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**ROYAL COMMISSION**

ON

(32)  
**PILOTAGE**

**HEARINGS**

HELD AT

QUEBEC CITY  
QUEBEC

VOLUME No.:

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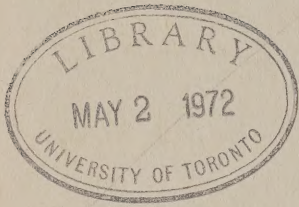
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing  
held at the Court House,  
Quebec City, Quebec, on the  
9th day of September, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq. Q.C.	Member
Harold A. Renwick, Esq.	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset	for the Shipping Feder- ation of Canada
Mr. C. Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots, the Corporation of the Mid- St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Gaspé Pilots; the Corporation of the Upper St. Lawrence Pilots







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\* \* \* \* \*







Quebec City, Quebec  
Monday,  
September 9th, 1963

7000

1 French

R/RPS 2 ---UPON COMMENCING AT 10:30 A.M.

3

4 THE CHAIRMAN: Gentlemen, it is a pleasure  
5 for me to see you all again this morning. Ever since  
6 we left one another, about two months ago we, as you  
7 know, went to Chicoutimi, went also to Churchill and  
8 we finished the Saint John New Brunswick hearing. We  
9 have a week at our disposal here in Quebec and we do  
10 hope that it will be enough.

11 If this period is not enough, for one reason  
12 or another, then we will try to get back. At any rate,  
13 next week we will be in Montreal and the schedule,  
14 as you all know, is one week in Montreal, one week here  
15 and in Montreal after this and then we are going to have  
16 a recess of a week and then afterwards we will sit again  
17 for two weeks in Montreal and then we will have another  
18 week's recess and we are, at the present time, planning  
19 what our programme will be after this week of rest,  
20 after the hearing in Montreal.

21 It is highly probable that at that time we  
22 will undertake the visits of the different installations  
23 before the closing of the navigation season and before  
24 three weeks time it is our intention to visit the  
25 St. Lawrence Seaway, the Welland Canal, District No. 1,  
26 2 and 3 and perhaps go to the Lakehead in order to start  
27 the hearings in Montreal, if they are not over after these  
28 different visits.

29 This means that if we are not able to finish  
30 the hearings within the three weeks I have just told you





1 French

2 about, then perhaps we will finish our hearings in Montreal  
3 at the end of November or beginning of December. Now  
4 we will see how everything goes in order to try and  
5 finish our programme within that period of time. For  
6 the Great Lakes region we will start in January. That  
7 is our programme.

English

8 MR. JACQUES: Before we move on with the  
9 Quebec hearings, I should like to file as Exhibit 627  
10 a public works plan of Saint John, New Brunswick dated  
11 the 28th of June, 1963.

12

13 ---EXHIBIT NO. 627: Public works plan of  
14 Saint John, New Brunswick,  
dated 28th of June, 1963.

15

16 MR. JACQUES: This is the latest plan  
17 of soundings available for the Harbour of Saint John.  
18 Now in connection with the Quebec hearings, I should  
19 like to file in a bundle as Exhibit No. 628 several  
20 letters exchanged between the Department of Transport,  
21 Communications Branch, and the Pilotage Authority  
22 concerning complaints filed with the Department of  
23 Transport between 1961 and 1963.

24

25 ---EXHIBIT NO. 628: Letters exchanged between  
26 the Department of Transport,  
27 Communications Branch and  
the Pilotage Authority  
concerning complaints  
28 filed with the Department  
of Transport between 1961  
and 1963.

29

30

MR. JACQUES: And lastly, at my request,







English

1 Mr. Gaudreau, the District Marine Agent, was to file  
2 a mailing list of the addresses to whom he sent notices  
3 about shipping. This will be filed as Exhibit No. 629.

4  
5 ---EXHIBIT NO. 629: Mailing list of addresses  
6 to whom notices about  
7 shipping were sent.

8 MR. JACQUES: For the record, it might be  
9 nice to mention that there is a monument erected in  
10 Quebec City in memory of the first pilot called  
11 Abraham Martin, after whom the Plains of Abraham have  
12 been named. According to information obtained, he  
13 is mentioned as being a river pilot as far back as  
14 1759.

15 Now my lord I should like also to file  
16 as Exhibit 630 a plan showing the elevation of Prince  
17 Shoal lighthouse.

18  
19 ---EXHIBIT NO. 630: Elevation of Prince  
20 Shoal lighthouse.

21  
22 MR. JACQUES: While we were in Chicoutimi,  
23 I had requested that Captain Gaudreau supply the  
24 Commission with a formula, the device to establish ---

25 THE CHAIRMAN: Excuse me. What I have  
26 here is not the elevation.

27 MR. JACQUES: As Exhibit No. 630, in a  
28 bundle, we wish to file the elevation, the depth plan  
29 and also the cross-section of the lighthouse.

30 As Exhibit 631, the range light formula.







1 English

2 THE CHAIRMAN: The "range light formula"?

3 MR. JACQUES: Yes sir.

4 THE CHAIRMAN: What do you mean by that?

5 MR. JACQUES: A formula devised to calculate  
6 the height of each range light, and also the distance  
7 at which they must be set, and also the elevation of  
8 each range light.

9 As Exhibit No. 632, a pamphlet of  
10 250-millimetre marine lanterns which has been supplied  
11 also by Captain Gaudreau.

12  
13 ---EXHIBIT NO. 631: Range light formula.

14  
15 ---EXHIBIT NO. 632: A pamphlet of 250-milli-  
16 metre marine lanterns.

17 MR. JACQUES: When we left Quebec, I believe  
18 we were cross-examining Captain Koenig. Would Captain  
19 Koenig take the stand again please?

20  
21 CAPTAIN MAURICE KOENIG, Sworn

22 MR. JACQUES: You may sit down, if you wish.

23 CAPTAIN KOENIG: If it please your lordship,  
24 and the Commission, I should like to make a short  
25 declaration before being trans-questioned further,  
26 please.

27 Now when the Commission adjourned last  
28 Friday, the 26th, it was moved to Chicoutimi region.  
29 I would like to mention here that the pilot who was  
30 delegated by the Board of Directors at the time to answer





1 English

2 questions, or supply information as to the navigation  
3 in that area, in the Chicoutimi channel, may have been  
4 quite a capable man but I certainly think that a man  
5 of more experience, preferably a man who had been a  
6 special pilot for Dominion Coal, who had for many years  
7 ships sailing regularly up that channel would have been  
8 more fit to answer those questions.

9 I also notice, with some satisfaction, that  
10 the President of the Federation, and our own President  
11 of the Corporation had come back to work in a more  
12 expansive manner; made a few trips. For instance, on  
13 Friday last, which is September 6th, the President of  
14 the Federation had something like thirty odd voyages  
15 to his credit. That is prior to making up of the  
16 marine list, and then by noon he had some sixty voyages,  
17 which is a sudden increase of thirty odd voyages.

18 Now the procedure in this instance is  
19 the fact that the Secretary-Treasurer of the pilots  
20 writes a letter to the Superintendent of Pilots in  
21 Quebec advising him that such and such a director is  
22 to be allowed a certain number of trips. That is  
23 never questioned, or is not intended to be questioned  
24 by the Superintendent; simply allowed those voyages.  
25 I am not here to discuss that, but I like to mention  
26 it in passing.

27 Before being trans-questioned again, I  
28 would like to mention the newspaper item. When Mr.  
29 Lalonde, counsel for the Federation, made a sortie  
30 against my brief on Thursday, July 25th, the newspapers,







1 English  
2 of course, jumped the headlines and wrote some things  
3 next morning. I don't make too much of it, but at the  
4 same time I am inclined to think they were a bit partial.  
5 Public opinion was mentioned by Mr. Lalonde several  
6 times previously, and that is part of it.

7 I remember, in connection with Bill  
8 S3 which may not be deemed to be important, but I  
9 think it is in this case, by 1959 when it was being  
10 fought in Ottawa, I wrote articles in the Montreal  
11 Gazette, the newspaper. I think in my humble way I  
12 tried to help in many instances. I never noticed  
13 too much criticism against those articles.

14 On one special occasion I was having  
15 breakfast at the Queen's Hotel and the President of the  
16 Federation, at the time, the President of the Corporation  
17 of Pilots, Montreal pilots that is, and Technical  
18 Adviser to the pilots at various times, and Mr. Arthur Maheux  
19 was present, and I showed him an article that was to  
20 be reproduced in the Gazette.

21 After reading it, they advised me to cancel  
22 the last two paragraphs which dealt with Bill S3  
23 but I did not think I should have cancelled them,  
24 personally, so I forwarded them to the newspapers and  
25 the following morning it was printed and I noticed  
26 that they had been cancelled.

27 I tried in many ways to find out why, or  
28 by whom but I could never get to the root of the trouble.  
29 I have here, if the court would like to file it, the  
30 article in question, my own article, to be compared.





1 English

2 The last two paragraphs may be interesting to read on  
3 this occasion, if the court would like to hear them.

4 THE CHAIRMAN: Very well.

5 CAPTAIN KOENIG: I will simply read my lord  
6 the last two paragraphs since the article is a bit  
7 long. It goes like this:

8 "A brief was recently drafted by  
9 "Counsel Paul Gérin-Lajoie, on behalf of a  
10 "joint committee of the St. Lawrence pilots,  
11 "and submitted to the standing Committee of  
12 "the Senate. This brief, although it  
13 "appeared to present the pilots' case very well,  
14 "was, in my opinion, somewhat too matter-  
15 "of-fact, and should have been far more  
16 "energetic, whilst preserving the usual  
17 "deference. Its tone could have been  
18 "slightly different from the usual monotonous  
19 "routine. It left out several valuable argu-  
20 "ments in favour of the pilots, whilst  
21 "attaching importance to less necessary  
22 "details. The brief should have been  
23 "more carefully prepared, and should have  
24 "insisted that International Maritime  
25 "Law be enforced, instead of the Senate  
26 "Committee sponsoring Bill S-3, which  
27 "would be detrimental to Canadian Shipping.  
28 "Why should the Canadian Senators, the very  
29 "men who stand for law and wisdom, the  
30 "very men who should help us to maintain







English

"our rights, to all outward appearances  
"seem to turn against us in an hour of  
"need, an hour which may be most decisive.

"Was it sufficient to meekly remind the  
"Senators that American vessels are not  
"entitled to special amendments, and that  
"such procedure would create a precedent  
"whereby all foreign vessels might eventually  
"benefit, at the expense of the Canadian  
"Government itself, and, consequently Can-  
"adian Shipping interests?"

That is all, my lord. I have here the  
newspaper equivalent, minus the last two paragraphs.

MR. JACQUES: Might these two documents,  
my lord, be filed in a bundle as Exhibit 633.

---EXHIBIT NO. 633:

Article written by  
Captain Koenig, together  
with the printed version  
of that article. The  
article was written on  
March 2nd, 1959 and pub-  
lished in the Gazette on  
March 9th, 1959.

THE CHAIRMAN: Captain Koenig, we thank  
you very much for the remarks you made. It has given  
me the occasion to say this with regard to three points  
that you have mentioned: The first one with regard  
to evidence that was brought forward to us in Chicoutimi  
with regard to the Saguenay River, and Port of Chicoutimi  
and Port Alfred. It is possible that the evidence  
that we have heard over there did not give us the complete





1 English

A2 2 picture. This may be true on this occasion. This may  
3 be true in any other hearing that we are at, and we  
4 are going to have.

5 We don't know about the facts, and that is  
6 why we are asking people about those facts; the people  
7 who are living them, who are making them. People engaged  
8 in the operation of pilotage. Therefore, of course,  
9 one man doesn't know everything about the problem, or  
10 as far as the situation is concerned. Therefore,  
11 anyone who notices in the evidence of transcript that  
12 the picture is not complete, and that happens very  
13 often, as I have just said one man or some one set  
14 of facts will try to go one way, while the others  
15 will be something different. We find this situation  
16 every day before our courts.

17 You see people coming there, to these  
18 very courts here, just the same as in accidents and  
19 they say it is this way, whilst somebody else will  
20 say they were right behind and know it happened some  
21 other way so therefore, it is just human that people  
22 see things, or appreciate things one way and others  
23 will see them some other way.

24 Therefore, if anybody feels that the  
25 situation that was explained to us is not accurate,  
26 or should be completed, please do so. You are  
27 rendering us a service. If in the transcript, as  
28 far as shipping is concerned, there is any discrepancy  
29 that you find, or any inaccurate information is  
30 given, we would appreciate very much if somebody would







1 English  
2 come forward, because everybody can come forward before  
3 this Commission here and they will be heard and we  
4 are going to be very grateful to get the information  
5 you are going to give us.

6 Now with regard to the question of the  
7 President of the Federation, his tours being increased  
8 by thirty. Of course, this is just following the  
9 evidence that was brought before us to the effect that  
10 members of the Board of the pilots' organization would  
11 receive compensation in tours of duty rather than in  
12 money. This is, of course, according to the policy and  
13 the action taken by the Committee of Pilots. This is  
14 an example of what is happening and I do not question  
15 whether this is right or not right. It is just an  
16 example and it follows through the evidence we have  
17 received.

18 Of course, you expressed the other day  
19 your objection to it, to the effect it was altogether  
20 too great a compensation because somebody given a  
21 tour of duty like that, although they are entitled  
22 to something for the work they have done, are not  
23 bearing the responsibility the other pilots are taking  
24 when they are risking their licence and responsibility.  
25 This is a fact that we have to note and we are glad  
26 it was brought before us.

27 With regard to the newspapers, and what  
28 they may say, I would like to point out the very  
29 difficult situation a newspaper man is in, when he  
30 comes to a hearing like this one. It is even difficult





1 English  
2 when the ordinary court cases are heard. When you  
3 have a Commission like this one, where you have only  
4 part of the evidence being heard in one day, and the  
5 answer to that evidence may come the day after, or  
6 sometimes days after, it is very difficult for a  
7 newspaper man to have an overall picture of the sit-  
8 uation, so, therefore, everything that he is going  
9 to report is going to be piecemeal and that is why  
10 everybody here has an opportunity of giving the evidence,  
11 and refuting the evidence given by somebody else.  
12 He has also the hope the newspaper man will pick up  
13 his evidence and so the public opinion will be  
14 corrected. We have seen that other places.

15 One day an article was published quoting  
16 what was said before the Commission, and then the  
17 day after well the other side of the story was being  
18 printed. For those who read the paper every day, the  
19 picture was complete every two days.

20 I would say the same thing would be in  
21 your case. Have you anything further?

22 CAPTAIN KOENIG: Thank you very much.

23 MR. LALONDE: May I proceed my lord?

24 THE CHAIRMAN: Yes.

25 (Through the interpreter.)

French 26 CROSS-EXAMINATION BY MR. LALONDE:

27 MR. LALONDE: Mr. Koenig would you like  
28 to resume in English or French?

29 THE WITNESS: I have no objection to resuming  
30 in French Mr. Lalonde.







1 French

2 Q. I would like to go back for a  
3 few moments on part of the evidence you have given  
4 on July 26th last here in Quebec. You had mentioned  
5 the fact that according to your own mind no pilot  
6 who has been licensed since 1960 was a member of the  
7 Corporation of Pilots for Quebec Harbour and Upstream.  
8 Do you remember that evidence?

9 A. Yes.

10 Q. And in the course of that interval  
11 of a month's time, did you check at the Corporation's  
12 office in order to find out if those pilots are really  
13 members of the Association?

14 A. No, I did not go.

15 Q. Captain Koenig, do you know about  
16 the pilots who have been licensed since 1960? Perhaps  
17 you would know their names if I showed them to you  
18 or read them to you?

19 A. Yes.

20 Q. I have before me the original copy  
21 of the Incorporation Act of the Association of Pilots  
22 for Quebec Harbour Pilots and Below, which is the  
23 same organization, the L'Association des Pilotes  
24 Licencies, whose name has been changed in 1954. On  
25 this original copy we have at the end the signature  
26 of all the pilots who joined that Association since  
27 its inception in 1924. I would like especially for  
28 you to look at the last signatures dated since April  
29 22nd 1960, and to tell us if, according to you, there  
30 is a single pilot who has been received since 1960,





1 French

2 or if such a pilot's name is missing in that document?

3 A. I don't think so, no. I don't think  
4 there are any names missing.

5 Q. Were you in a position to identify  
6 your own signature on that document as well?

7 A. Well I did not have the time to do  
8 that Mr. Lalonde but I remember I signed that document  
9 myself. I see it here.

10 Q. Consequently this document is exactly  
11 the same one you have signed?

12 A. According to appearances, yes.

13 Q. You remember you have signed such  
14 a document yourself, when you signed it?

15 A. Yes.

16 Q. In evidence on July 26th 1963 you  
17 stated, on page 6402 of the English text, and unfortunately  
18 I do not have the French text. It seems the Commission  
19 does not have it on hand as yet, a transcript of that  
20 date. It seems that they have been forgotten in  
21 Ottawa. The question:

22 "Q. Is it not true that all pilots are  
23 "members?

24 "A. No.

25 "Q. Who are those who are not members  
26 "of the Association?

27 "A. Those who have received their licence  
28 "since 1960."

29 And a little further on:

30 "Q. On what do you base yourself to make







1 French

2 "that statement?

3 "A. Because I doubt it very much

4 "pilots who have been accepted since 1960

5 "have joined the Association.

6 "Q. You doubt it? Are you sure of it?

7 "A. I cannot prove it but I would be very

8 "surprised if you showed me a signature.

9 "Q. So this is an assumption. You supposed  
10 "that they are not members of the Association?

11 "A. I am ready to put my hand in the fire."

12 Are you still ready to put your hand in  
13 the fire?

14 A. Well not yet. Not now that I have  
15 seen the signatures, but I must tell you that I was  
16 extremely surprised this morning to see such signatures.

17

18

19 -

20

21

22

23

24 -

25

26

27

28

29 -

30





B/PB/RPS

1 French

2 MR. LALONDE: My lord, this is a document --  
3 this is the original and the only copy that has been  
4 looked at by all the legal counsel for the Commission  
5 on July 26th, I think. I don't object to sharing it  
6 with some of my colleagues, but it is the only document  
7 we have and I was wondering if it would be possible  
8 as we have already filed the By-Laws, I was wondering  
9 if it would be possible to be satisfied with the  
10 document, which is the green booklet which has been  
11 filed previously before the Commission if my colleagues  
12 would accept, in order to keep such a document in  
13 the file for the Commission.

14 THE CHAIRMAN: If you say the text is  
15 exactly the same with the exception of the signatures.

16 MR. LALONDE: And changes in the Corporation  
17 since 1954. There are also some letters filed with  
18 the Commission.

19 THE CHAIRMAN: It is an historical document.  
20 With the exceptions which you have just given and  
21 which are going to be shown in the files and if later  
22 on we believe it would be good to look at that document  
23 and you could, perhaps, send us a photostat copy. For  
24 the time being it would be enough.

25 MR. LALONDE: I would have like to have  
26 filed a photostat. I would have had to take away the  
27 seal and the notarized aspect of the document. Natur-  
28 ally this is quite a difficult thing to do. The  
29 Commission counsel says that he will try to have a  
30 photostat copy of that document made in his office and







1 French  
2 be filed with the Commission.

3 THE CHAIRMAN: He wants to indicate his  
4 own office is extremely well organized. Will you  
5 please give a number to that exhibit immediately,  
6 please ?

7 MR. JACQUES: This document bears a number,  
8 my lord. The green booklet is now being filed as  
9 Exhibit 592.

10 THE CHAIRMAN: Therefore we are going to  
11 say Exhibit 592, a photostatic copy of the original  
12 document bearing all the signatures will be added and  
13 all the amendments are in the green book.

14 MR. LALONDE: There was cross-examination  
15 on July 26th, for example, with regard to transfer  
16 of sleeping quarters in order to find out if the  
17 Corporation has protested or not. I had asked you  
18 at that time if you had checked with the Corporation  
19 or looked at the correspondence in the Corporation  
20 files and your answer was negative. Have you done  
21 any such thing in the course of the month of August?

22 THE WITNESS: No, I didn't.

23 Q. Now, I am going to proceed rapidly  
24 with your brief, Mr. Koenig, especially to go on with  
25 page 15. The fifth point you raise concerns the  
26 contributions to the pension fund and the general  
27 policy of the pension fund. On page 16 in the French  
28 text you have the third paragraph where you stress that  
29 while in 1925 the fund was totalling more than  
30 \$100,000 and about ninety-seven pensioners were sharing





1 French

2 that amount, and it has always been solvent despite  
3 changes and times. What do you mean by the solvency  
4 of the pension fund? I suppose it is the notion on  
5 which you base your recommendation or your comments  
6 herein.

7 A. By solvency of the pension fund I  
8 mean that the pension fund while paying necessary  
9 pensions from one year to the other increased its  
10 capital.

11 Q. You mean its capital?

12 A. Yes.

13 Q. Yes, and this is independently from  
14 all the obligations or the eventual obligations that  
15 this fund assumed over the years.

16 A. This fund has no further obligation  
17 then towards pensioners themselves.

18 Q. Now, did you discuss this with  
19 actuaries?

20 A. No, no, I haven't discussed that with  
21 the actuaries. I based myself upon the fact that the  
22 fund has increased, especially in the recent years,  
23 more it increased and more it was blamed.

24 Q. You have never consulted experts  
25 in that field?

26 A. No, Mr. Lalonde, I have seen the  
27 different assessments that have been ordered by the  
28 Board of Directors and I wasn't satisfied with the  
29 assessments.

30 Q. So the only thing that happened, you







1 French

2 looked at the expert reports asked for by the  
3 Corporation and you state that you are not satisfied  
4 with the opinions given by experts.

5 A. Yes, exactly.

6 Q. Have you ever tried to get an  
7 opinion of any experts who would have contradicted  
8 the opinion of the experts hired by the Corporation?

9 A. No, I didn't deem it necessary.

10 Q. Now, these experts whose opinion was  
11 asked for by the Corporation, I think that they were  
12 Governmental experts; is that not a fact?

13 A. Yes, from the Federal Government.

14 Q. On page 17, second paragraph, also  
15 of the French text, you mention that the Board of  
16 Directors has all powers of life and death and so forth  
17 as far as the administration of the pension fund is  
18 concerned. I think you are referring to the Board of  
19 Directors of the Corporation, special corporation for  
20 the pension fund as the Corporation of Pilots which  
21 was created in 1960 has no jurisdiction whatsoever  
22 on the pension fund as such. You are referring to the  
23 By-Law governing the pension fund of the Quebec pilots.

24 A. I always refer to the Board of  
25 Directors which has always been considered as the  
26 same for the Corporation or the Association before the  
27 Act, the new Corporation and the older Corporation as  
28 well.

29 Q. Every year a meeting is held of the  
30 members of the Corporation with elections and a separate





1 French

2 report is submitted in a separate meeting by the  
3 Association and the Lower St. Lawrence Corporation of  
4 Pilots and the Corporation also governing the pension  
5 fund.

6 A. Your question was the following, that  
7 there is a meeting in good standing and elections.  
8 You also qualified that some way?

9 Q. There is every year an annual general  
10 meeting which is convened for each of these three  
11 organizations.

12 A. Yes, after a certain fashion.

13 Q. Now, I am going to ask you what you  
14 mean exactly, "in a certain fashion"?

15 A. Perhaps, Mr. Lalonde, I could sum  
16 up what I had already started to say on July 26th  
17 concerning the elections procedure for the administration of  
18 today. I was going to add a meeting when I was there  
19 when the beginning of an election was called at such  
20 a meeting and before the election took place, I think  
21 I recall Mr. Lalonde, that you have explained briefly  
22 to all the members present that the figure used at such  
23 an election, and amongst other things you have stated  
24 that bulletins would be distributed to all members  
25 and on that bulletin the names of two candidates would  
26 be written.

27 (THE INTERPRETER: He is talking about  
28 a voting slip.)

29 THE WITNESS: You have stated later on that  
30 only one name was shown on that voting slip. Well, that







1 French

2 voting slip will be cancelled or annulled.

3 Q. You want to say, for example, there  
4 would be four names on the voting slip in order to  
5 elect two candidates?

6 A. If there were two candidates for one  
7 position and two others for another position, which  
8 was the case at that time, then under necessity one  
9 had to vote for either one of the candidates to one  
10 of these positions which meant for the two vacancies  
11 four names, two of which had been chosen by each voter.

12 Q. So that, for example, there would be  
13 four candidates for two vacant positions.

14 A. But that is not all.

15 Q. So instructions had been given to  
16 the effect that each member had to vote for two  
17 candidates because otherwise if only one candidate  
18 was voted for then the voting slip would be annulled,  
19 for example.

20 A. One could if one wasn't in favour  
21 of three of the candidates to the two vacant positions  
22 they wouldn't have the right to vote for the person  
23 of his choice.

24 THE CHAIRMAN: I don't see why the voting  
25 slip would be annulled if there was only one voted for.

26 MR. LALONDE: Two administrators to be  
27 elected for the Board of Directors of the Corporation  
28 and Association.

29 THE CHAIRMAN: Am I to understand that  
30 the four candidates could be to either one of the two





1 French

2 positions?

3 MR. LALONDE: Yes, there were two positions  
4 to be filled and there was a list of four candidates.

5 THE CHAIRMAN: That is why there were two  
6 names, because there were two positions. Don't you  
7 think such a procedure is provided for in the By-Laws?

8 MR. LALONDE: To the effect that there should  
9 be a voting slip, that one should vote for two candidates,  
10 that isn't provided for especially in the By-Laws.

11 THE CHAIRMAN: At any rate the election  
12 procedure is indicated and provided for in the By-Laws.

13 MR. LALONDE: Yes, a highly detailed  
14 election procedure is indicated in the By-Laws.

B2 15 THE CHAIRMAN: Well, perhaps there is  
16 enough said on that subject.

17 MR. LALONDE: Naturally the other type  
18 of procedure brings forth such abuses -- everybody  
19 who has taken part in such elections knows how they  
20 are governed.

21 MR. JACQUES: One can't vote for anyone  
22 on that list.

23 THE WITNESS: Could I please add something,  
24 my lord? I have mentioned details concerning elections  
25 because I wanted to reach the point here which perhaps  
26 justified this variation which was mentioned by Mr.  
27 Lalonde at that time. A few minutes or a few seconds  
28 before holding of the election an older pilot  
29 finally arrived at the meeting and this pilot immediately  
30 made a comment to the effect that a man who was piloting







1 French

2 on the St. Lawrence River for 40 years was more naturally  
3 -- he was more experienced than a young pilot who was  
4 just starting in the field, so on that list of candidates  
5 to my mind, and one that perhaps I am wrong once more,  
6 there was the name of a young pilot who was far from  
7 being interested in being elected while the other was  
8 interested in being elected and he had more experience  
9 and many pilots didn't like to vote for the young man  
10 and simply wanted to put the name of the older pilot  
11 and they annulled the voting slips by the procedure.

12 Q... Is there not a nominating committee  
13 for your annual elections which is created?

14 A. Yes.

15 Q. Don't you think that any member is  
16 free to be a candidate by sending his candidacy to the  
17 office of the Corporation?

18 A. That is exactly what was done at  
19 that time by these two candidates.

20 Q. Now, to get back to the incident that  
21 you mentioned, did you protest at the time against the  
22 interpretation that was given concerning the By-Laws?  
23 Did you protest at the meeting?

24 A. I had been protesting for quite a  
25 while and obtained no results whatsoever so I didn't  
26 deem it necessary to protest at this time because I  
27 was sure I wouldn't get any results.

28 Q. Were there any other people who  
29 protested against the procedure during the meeting?

30 A. No. Perhaps they didn't dare to do





French

1 so or perhaps they wouldn't have received favourable  
2 answers, satisfactory answers to their protests.

3 Q. Did you read the new By-Laws that  
4 the Board of Directors of the Corporation of Pilots  
5 for Quebec Harbour and Below, this Corporation which  
6 has been created by the Act, in order to administer the  
7 pension fund has adopted new By-Laws which have been  
8 adopted -- I am sorry, I will start again -- new By-Laws  
9 which have been adopted by the Board of Directors of  
10 the Corporation last year?

11 A. Well, naturally I read them, naturally,  
12 if I received them I read them.

13 Q. Is it not a fact that according to  
14 these new By-Laws that the Board of Directors lost the  
15 power to amend, by itself, the By-Laws governing the  
16 pension fund as was the case previously?

17 A. Well, I am not aware of that.

18 Q. Is it not true that any amendment to  
19 the pension fund should be adopted by a majority of  
20 two-thirds of the members who are present at the  
21 regular meeting?

22 A. No, I am not aware of that.

23 Q. Is it not true when you were a director  
24 in 1955 the By-Laws governing the pension fund could  
25 be amended directly by the Board of Directors without  
26 having to refer to the members in order to approve  
27 such amendments?

28 A. It is true, but the Board of Directors  
29 at that time did not make any abuse of this privilege.

30 Q. Is it not true you increased suddenly







1 French  
2 the pensions by \$200 per member at that time while  
3 you were a member of the Board of Directors without  
4 this matter ever being referred to the members of your  
5 Corporation?

6 A. That is true.

7 Q. I am sorry, at that time it was  
8 the Association, not the Corporation. I apologize.  
9 When that increase in the pension fund, or the pension  
10 was being brought about, did you consult other experts,  
11 actuaries, or other financial experts who would have  
12 given you advice concerning the idea of this increase  
13 as regards the capital you already had in your pension  
14 fund?

15 A. We didn't deem it necessary to do  
16 so. Naturally you must note I wasn't the only one at  
17 that time.

18 Q. Weren't you the one who seconded the  
19 motion amending the pensions to the pensioners by this  
20 increase of \$200?

21 A. Yes.

22 Q. Were you not very active concerning  
23 the adoption of such a By-Law?

24 A. Yes.

25 Q. At the bottom of page 17 you talk  
26 about investments and the investment yields. You say  
27 investments which yield only three or four per cent  
28 interest were no longer in style.

29 A. For the same reason that everyone  
30 knows if we have money to invest naturally we would





1 French

2 hesitate in investing it in order to receive interest  
3 of three or four per cent if we could do something at  
4 a higher rate.

5 Q. Do you think it possible in 1950 to  
6 invest at a rate of more than three or four per cent?

7 A. Yes, it was possible.

8 Q. Ever since 1950 it has been consistently  
9 possible?

10 A. Yes.

11 Q. Was it in 1955, was it possible to  
12 do so?

13 A. Yes, of course.

14 Q. Would you please explain how come that  
15 while you were an administrator yourself in 1955 the follow-  
16 ing investments were made: \$24,000 in Ontario Hydro  
17 at three and a half per cent; \$24,000 in Quebec Hydro  
18 at three and a half per cent; \$10,000 in Ontario Hydro  
19 at four per cent and \$10,000 in Quebec Hydro at four  
20 per cent. That is in 1954 when you say it was impossible  
21 to invest with yields above three or four per cent.  
22 Why did you not do so?

23 A. Because I wasn't the investor myself.

24 Q. You were administrator at that time?

25 A. But I wasn't the only one. You see  
26 you make the decision -- it is possible when this  
27 decision was made at a meeting held -- I don't recall  
28 at any rate that I was present at a meeting of the  
29 Board of Directors when the decision to make some  
30 investments was made. Perhaps it was a coincidence,







1 French

2 but I don't recall such a fact.

3 Q. Who was deciding about that at the  
4 time?

5 A. The directors in quorum.

6 Q. But you were an administrator yourself?  
7 You were a director?

8 A. Yes, I was a director, but there were  
9 many meetings that were being held. As soon as there  
10 is a quorum your meeting can be held.

11 THE CHAIRMAN: Concerning this last comment  
12 I would like to have a few explanations. Do you think  
13 that a meeting in order to be held regularly, a notice  
14 of meeting should be sent to all directors previously?

15 THE WITNESS: Yes, my lord, but it was  
16 always understood between the directors that the By-Laws  
17 of the Association at that time said the number of  
18 four directors was enough in order to have a quorum  
19 and at that time one was trying not to make work the  
20 directors too much and those who were travelling were  
21 exempted attending such meetings.

22 Q. Was this investment in 1955 with a  
23 yield of three and a half and four per cent done while  
24 you were not present yourself at such a meeting?

25 A. Yes.

26 Q. You receive annual statements at the  
27 end of the year, don't you? You receive annual state-  
28 ments at the end of the year concerning the administration  
29 of the pension fund.

30 A. I receive some of them.





1 French

2 Q. In 1955 perhaps you noted at the end  
3 of the year there were certain investments at the rate  
4 of interest that you thought too low at that time.

5 A. Yes, I noted that.

6 Q. Did you protest?

7 A. I didn't do so, but I did protest.

8 Q. Did you speak about that fact at the  
9 general meeting?

10 A. No.

11 Q. I have here before me the original  
12 copy of the minutes of the Association, or rather the  
13 Corporation of the pension fund for the Quebec District.  
14 My friend corrected me previously when I stated the  
15 word Corporation and I corrected myself by using Assoc-  
16 iation, but one must use the word Corporation if we  
17 refer to the Corporation created by the Act. Pages 217  
18 and 218: Present amongst other directors, Mr. Maurice  
19 Koenig. It has been seconded by Mr. Koenig that the  
20 Corporation should buy from L.C. Beaubien and Company  
21 Limited the following shares \$24,000, Ontario Hydro,  
22 three and a half per cent and \$24,000, Quebec Hydro,  
23 three and a half per cent. Unanimously adopted. So  
24 you were in attendance at this meeting?

25 A. Yes, I was there. I thought I wasn't  
B3 26 present, but I can't recall. You must notice this  
27 didn't happen yesterday evening.

28 Q. Well, according to your evidence  
29 you believe that in 1955 the interest rates of three  
30 and a half or four per cent were too low. You seconded





French

1 at that time certain investments made with interest  
2 rates of three and a half and four per cent. Now,  
3 Mr. Koenig, you said that you didn't believe that  
4 all directors should continue making investments in  
5 the international railways which is in a deficit  
6 every year, practically. Do you feel it is solvent,  
7 such investments?

8 A. No, but I think it is well-known --  
9 it is a well-known fact, and I am not an expert, but  
10 I believe -- I think I know that on those bonds.

11 Q. Do you know that they are guaranteed  
12 by the Government of Canada, the bonds?

13 A. No. That is still possible, that the  
14 Government could make such an arrangement so companies  
15 could multiply by 2 or 3, but the man on the street doesn't  
16 understand.

17 Q. So you don't agree with the  
18 multiplication by three?

19 A. Not if I can help it.

20 Q. You said some Quebec bonds paid seven  
21 per cent in 1956. Did you raise that question to the  
22 general assembly?

23 A. No, I was to the point of asking that  
24 question but I had to go at that time and I don't know  
25 what happened.

26 Q. You didn't put your question?

27 A. No.

28 Q. Did you verify the reports in hand --  
29 did you verify the value of these bonds when they were  
30 sold?







1 French

2 A. Yes, \$9,000, I think.

3 Q. They were sold . . .

4 (end of interpretation)

5 A. Six, fifty. All I understand, Mr.

6 Lalonde, is that some bonds were paying seven per

7 cent and were sold. I would like to know why.

8 Q. Did you look at the difference between  
9 the interest rate and how much it pays?

10 A. No, I don't know. I am not an expert  
11 in finance, you know.

12 Q. If we sell bonds with interest of  
13 seven per cent it could be that these bonds will not  
14 really pay seven per cent interest because of the  
15 capital. It is six dollars with seven per cent interest  
16 and well, perhaps, it will only be 5.5 per cent interest  
17 with the seven per cent rate of interest on a bond --  
18 do you know these factors?

19 A. Well, what I would like to know  
20 exactly . . .

21 Q. I would like to ask you, witness, if  
22 you could get another bond, for example, by selling  
23 the Province of Quebec bond, at a true rate, don't you  
24 think it could be a better deal?

25 A. Yes, with the true rate, and the  
26 apparent rate -- why pilots weren't informed of these  
27 things -- we would know better about these things.  
28 We wouldn't make objections as we do. We should be  
29 better informed.

30 Q. You said that you left the general





1 French

2 assembly before the end of the meeting. It could be  
3 that the information was given when you were absent.

4 A. Yes.

5 Q. You never tried to verify whether  
6 it was given or not?

7 A. No.

8 Q. Now, the next paragraph says it  
9 could be very useful for protection of the pensions,  
10 first mortgages. Did you ask your directors if they  
11 could lend money for first mortgages now?

12 A. I know we can't do it. I don't see  
13 why we shouldn't do it in the future.

14 Q. Don't you know that a legal opinion  
15 was given to your Pension Corporation?

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C/MR/RPS

1 French

2 Q. That is your Corporatbn can invest  
3 in any value which is specified in Article 981-0 of  
4 the Civil Code but you never tried to ask for that  
5 information?

6 A. No, but I am sure my colleagues  
7 also know this fact.

8 Q. Do you read the bulletins which are  
9 sent by the directors?

10 A. Yes, once and a while.

11 Q. But you don't recall having read  
12 the bulletin in 1960 where it was stated that the  
13 investment could be made in first mortgages?

14 A. No, I don't recall that.

15 Q. My lord I would like to file a  
16 legal opinion given by Paul Gerin-Lajoie on the  
17 27th of April 1960 about the investment of the monies  
18 of the Quebec Pilots' Corporation pension fund and  
19 then it is stated about the Article 981-0 of the  
20 Civil Code.

21 THE CHAIRMAN: Is it the opinion that  
22 you want filed?

23 MR. LALONDE: Yes, it has been prepared  
24 at the request of the Corporation and we cite Article  
25 369 of the Shipping Act of 1935.

26 THE CHAIRMAN: What we would like to see  
27 is the copy of the bulletin and that should be  
28 annexed to this.

29 MR. LALONDE: But I think this should be  
30 useful for the further analysis of this situation my lord.





1 French

2 I will add the bulletin to the exhibit my lord.

3 And the number?

4 EXHIBIT NO. 634 : A special bulletin  
5 pension fund Quebec Pilots' Corporation for Quebec  
6 and Below, 1st of September 1960. It is signed Wilfred  
7 Menard, treasurer and in the appendix there is Article  
8 981-0 of the Civil Code and this gives the statement  
9 of the legal opinion.

10 THE CHAIRMAN: Are you still on the same  
11 subject?

12 MR. LALONDE: Yes.

13 THE CHAIRMAN: If you are going to change  
14 the subject, we are going to have a little recess.  
15 We will have a recess for a few minutes.

16  
17 ---A SHORT RECESS.

18  
19 ---FOLLOWING THE SHORT RECESS:

20 CROSS-EXAMINATION BY MR. LALONDE: (Continued)

21 Q. Mr. Koenig on page 20 of the French  
22 text of the brief here you mention the transfer of the  
23 pilotage station. I have one question. Do you know  
24 that this transfer has been made on the recommendation  
25 of a Committee which was designated by the Minister  
26 of Transport and which was composed of three engineers  
27 of the Public Works Ministry, two members of the  
28 Transport Ministry and two representatives of the  
29 Pilots? Do you know this?

30 A. Yes, I know.





1 French

2 Q. Do you know that this Committee  
3 has unánimously recommended the present site of the  
4 station?

5 A. Yes, I know.

6 Q. In the same page you state that you  
7 recommend that the pilots should all go to the Assembly.  
8 You yourself went to the last general assembly?

9 A. Yes sir.

10 Q. And the minutes show that there were  
11 sixty-one pilots out of the seventy-one members of the  
12 Corporation. Do you think this is a large number?

13 A. Yes, it is a good representation.

14 THE CHAIRMAN: What date was that?

15 MR. LALONDE: January 1963 my lord. It  
16 is always on the second Wednesday of January, these  
17 general meetings my lord. In fact, it is at the end  
18 of the financial year 1962. Then they have the meetings  
19 in January of the following year.

20 Q. And the representation in 1962 was  
21 fifty-two pilots out of seventy-one, and the other year  
22 51 out of sixty-five, and then you say, on the next  
23 page that the assembly was not competent and should  
24 resign. Now who felt that it was not competent?

25 A. Well first I was the one, and some  
26 of my colleagues also thought it was not competent.

27 Q. But in what sense incompetent?

28 A. Well this question is rather wide.  
29 Can't you be a little more specific?

30 Q. It is you who has used these words.







1 You said the present administration having been found  
2 incompetent and disappointing should be forced to  
3 resign. It is not up to me to use the words. You are  
4 the one who wanted to recommend this.

5 A. No, but you read it many times.  
6 Certainly I had that brief read by a number of my  
7 colleagues and when I say a large number, about fifty per  
8 cent of the pilots. Many others would certainly have  
9 liked to have read it, but after their readings, each  
10 time I asked their opinion and they smiled, and they  
11 said ---

12 Q. They smiled?

13 A. Yes, they smiled. If you allow  
14 me to answer Mr. Lalonde. They smiled because these  
15 words that you said, it was fantastic and my imagination  
16 was fertile, and so on and so on, they were surprised  
17 by such things, but then they came to the conclusion  
18 it was really true.

19 Q. If I understand, you are not able  
20 to be more specific about this word "incompetent"?

21 A. No, I don't want to.

22 Q. Then you say they should be forced  
23 to resign. They should be forced by whom?

24 A. By a recommendation of the Royal  
25 Commission of Inquiry and that would open the door  
26 for a general election which would be more representative,  
27 or more democratic, by a decision of the pilots them-  
28 selves who would accept or concur with the recommendation  
29 of the Commission.

30 Q. Now in the English text you use the





1 French

2 words they should be forced to resign, so you want a  
3 recommendation by the Commission to that effect?

4 A. Yes.

5 THE CHAIRMAN: I am afraid that I do not  
6 think before January 1964 we would be able to make  
7 any recommendation of that sort.

8 THE WITNESS: I think it will be the same  
9 Board my lord because it has been the same since 1960.

10 Q. But some members of the Board have  
11 been changed?

12 A. Yes, there were a few changes.

13 Q. Some administrators were changed?

14 A. Yes.

15 Q. You had elections with pilots, and  
16 those elections had a number of candidates?

17 A. Yes, there were some desirable  
18 candidates and some undesirable candidates.

19 Q. But this is in your opinion?

20 A. Certainly it is my opinion.

21 Q. Now you ask for a more democratic  
22 type of election. You want a secret ballot I think,  
23 on page 21.

24 A. Yes, a secret ballot. I want the  
25 pilots to be able to vote for the people they choose.

26 Q. At the present time each election  
27 is conducted with a secret ballot is it not?

28 A. I think there are too many variations.  
29 It is too complicated for the older pilots. They do not  
30 understand exactly what is going on today.







1 French

2 Q. My question was very simple. It is  
3 this: At the present time is the secret ballot in use?

4 A. Yes, as far as I know.

5 Q. Good. Well these elections, are they  
6 not made after some consideration and study of the  
7 rules, and the use of the rules you say are too complic-  
8 ated for the mind of the old pilots?

9 A. Yes, for the people who do not read  
10 the small print in the insurance policy.

11 Q. You say that some powerful tools  
12 should not be put into the hands of inexperienced  
13 people. I think you want to say the administrators  
14 are too young?

15 A. Yes, that is what I wanted to say.

16 Q. Do you know what the age of your  
17 President is?

18 A. He is a younger man than me, and all  
19 the directors, except one.

20 Q. If your president is of the same  
21 age as President Kennedy would he still be too young  
22 to administer your Corporation?

23 A. Will you keep on the subject Mr.  
24 Lalonde?

25 THE CHAIRMAN: I think it is a matter  
26 of opinion.

27 Q. You say that the pension fund  
28 properties are now administered, that is on page 22,  
29 administered by young men without experience and  
30 maturity. Do you know that the Board of Directors of





1 French

2 the Corporation, which is administering the pension  
3 fund has had the service of the financial counsel  
4 Mr. Guimont, the Corporation of Quebec?

5 A. Yes. This is what I don't like, these  
6 expenses made by the Directors.

7 Q. Do you know that Mr. Guimont is the  
8 financial adviser of the pension fund?

9 A. No, I don't know.

10 Q. So you don't know if Mr. Guimont  
11 receives remuneration for this advice?

12 A. No, I don't want to give my opinion  
13 on this point.

14 Q. Do you know that the Corporation has  
15 had the General Trust of Canada to advise the Corporation  
16 on matters of administration of this pension fund?

17 A. Yes, I heard of that but certainly  
18 they don't do these things for the love of their  
19 neighbours.

20 Q. But do you know how much it cost the  
21 Corporation?

22 A. Well whatever it costs it's too  
23 expensive. These expenses are certainly high.

24 Q. So you are not interested in the  
25 cost?

26 A. The cost is certainly adequate. It  
27 would certainly compare, the salary, with the other  
28 expenses.

29 Q. So even if the Corporation would get  
30 much higher benefit, and even if Mr. Guimont was not





1 charging anything for his service, you would feel it  
2 is exaggerated?

3 A. If Mr. Guimont gives advice, and  
4 certainly he is interested, well that is what I say.

5 Q. So you never asked the Assembly exactly  
6 what was the matter there? What was the real point?

7 A. No.

8 Q. Turning to the last paragraph on  
9 page 22 of the French text, it is difficult to understand  
10 why children administer the property which belong  
11 to their parents. So you still believe that the present  
12 directors are children, compared to the people they  
13 represent?

14 A. Well I understand what I wanted to  
15 say, Mr. Lalonde and the other people who read the  
16 brief understand also what I want say.

17 Q. But am I right? Is this a correct  
18 interpretation of your statement?

19 A. You said, yes, that the present  
20 administrators do not have the required experience  
21 to administer all these monies, all these funds and  
22 to administer pilotage in general.

23 Q. Now on page 23 you want to go back  
24 to the old system of apprentice pilots so the French  
25 Canadians can register?

26 A. Yes, this is the point.

27 Q. Now is there any discrimination in  
28 the present system against the French Canadians?

29 A. I don't think so at the present  
30 time. It is always possible in the future.







1 French

C2 2 Q. Is there any rule in the present  
3 apprentice system which would be such as to cause  
4 prejudice to the French Canadians?

5 A. Well Mr. Lalonde I would say that  
6 the old system which provided that either the children  
7 of the pilots, or the nephews of pilots, or anyone  
8 connected in any way with the pilot's family had the  
9 preference because he knew the profession and that  
10 young men of 16 years old, they don't know what they  
11 are going to do. They don't know what it is all about.

12 Now the Transport Department has always  
13 objected to these. I have here two letters, which  
14 are old letters, 1954 and 1955 I think where they  
15 prepared the abolition of this list of apprentice  
16 pilots. They say that this profession was closed.  
17 It was not exactly true at that time but I understand  
18 that a doctor or notary or any kind of professional  
19 man would be interested in pushing his son in the  
20 same trade and so I don't understand all these  
21 objections that were made because pilots were pushing  
22 their sons and nephews in the same undertaking, the  
23 same trade.

24 Q. So you want to go back to the old  
25 system?

26 A. Yes.

27 Q. Is it not true that the present  
28 system was prepared by the pilots themselves and they  
29 used technicians, experts, to prepare the system?

30 A. I don't know who were the experts, but





1 French

2 the present system or the future system, as it is  
3 mentioned in the recommendation of the Federation,  
4 is very close to the sad routine of the Civil Service.  
5 I am sorry to use such words.

6 Q. Is it not true that your Corporation  
7 has established a Committee to study the plan of  
8 apprenticeship, and that this plan as proposed by the  
9 Government was finally adopted by you? It was proposed  
10 by the Government but on the basis of work prepared  
11 by the pilots?

12 A. I know it has been adopted. I don't  
13 agree with such adoption.

14 Q. Thank you.

15  
16 CROSS-EXAMINATION BY MR. BRISSET:

17  
18 Q. Mr. Koenig I understand that you are  
19 a French Canadian by birth?

20 A. Yes.

21 Q. Are there any other members of your  
22 family who are, at the present time, in the field of  
23 pilotage or who have been in that field in the past?

24 A. Yes, I have uncles and cousins.

25 Q. Do you have some at the present time?

26 A. I still have one uncle and a few  
27 cousins.

28 Q. Was your father a pilot himself?

29 A. No, my father was not a pilot.

30 Q. Was your grandfather a pilot?







1 A. No, neither was my grandfather.

2 Q. Were they seafaring people?

3 A. Yes, they were all in that field.

4 Q. Here in the Province of Quebec?

5 A. Yes, my father in the Province of  
6 Quebec most of the time and my grandfather in other  
7 countries.

8 Q. Now Mr. Koenig you mentioned, or talked  
9 about your incarceration during the war, if I understood  
10 properly, in a concentration camp in Germany?

11 A. Yes, it was a concentration camp for  
12 civil prisoners but in the course of the last war these  
13 prisoners were, at times, civil prisoners and at times  
14 military prisoners. This depended mostly upon the  
15 attitude of the Germans from one day to the next.

16 Q. Mr. Koenig could you please tell us  
17 briefly how come you were caught by the Germans and  
18 put in a concentration camp? Were you on a ship when  
19 this took place?

20 A. Well I was an officer on a Canadian  
21 ship and we were intercepted by a German surface cruiser.

22 Q. Where?

23 A. Five hundred miles, approximately,  
24 west of Africa.

25 Q. What was the name of the ship on  
26 which you were an officer?

27 A. This was called CANADOLITE. It was  
28 an oiler.

29 Q. From what company?

30 A. Imperial Oil Company from Toronto.





1 French

2 Q. On what date did this event take  
3 place?

4 A. It took place on March 25th 1941.

5 Q. And you went to Germany where you  
6 were interned until the end of the war I suppose?

7 A. Yes.

8 Q. Mr. Koenig since what age have you  
9 been going to sea?

10 A. Ever since the age of 16. That is  
11 July, 1931.

12 Q. So you left school I suppose at  
13 approximately 16 years of age?

14 A. Yes. I embarked two months later.

15 Q. I suppose that you do not consider  
16 yourself as a man of letters, so to speak?

17 A. Not exactly.

18 Q. Now in the fulfillment of your  
19 duties I suppose that you do not go around carrying  
20 a dictionary under your arm?

21 A. No, not at all Mr. Brisset.

22 Q. You have been cross-examined lengthily  
23 by my colleague with the help of a dictionary and  
24 I would like to come back on certain definitions that  
25 were given to you during that cross-examination,  
26 especially at page 6347 of the transcript, of the  
27 English text of the transcript.

28 You were asked if the following formula  
29 was true, the definition of dictatorship, and I translate  
30 freely: Dictatorship is a regime which maintains





1 French

2 itself in power through the use of violence going  
3 contrary to the opinion of the majority of citizens.

4 Do you remember that definition?

5 MR. LALONDE: I would like to say that  
6 this is not the definition of the dictionary in that  
7 case, the case of the quotation by Mr. Brisset.

8 Q. This is a definition of Mr. Lalonde's.  
9 I stand corrected. Mr. Koenig do you agree that  
10 Hitler's regime was a dictatorship?

11 A. Yes, I agree entirely.

12 Q. I think that you stated such in the  
13 course of your evidence?

14 A. Yes, I did.

15 Q. Do you know that according to history,  
16 as we know it today, that the German people, the majority  
17 of them, were supporting Hitler?

18 A. Yes, apparently so.

19 Q. Do you also know Mr. Koenig that it  
20 has been stated that the regime of the National Union  
21 Party of Duplessis was also a kind of dictatorship?  
22 Did you ever hear such a statement Mr. Koenig?

23 A. Yes, I heard it before and I agree  
24 slightly with such a statement.

25 Q. But the regime which has been maintained  
26 in power was through the majority of electors.

27 A. But through a slight coercion,  
28 slightly less than was used in Germany.

29 Q. Is it not true Mr. Koenig that there  
30 are different degrees and different types of dictatorship?







1 French

2 A. Yes, of course there are many  
3 different types of dictatorship.

4 Q. Is it not true to say Mr. Koenig as  
5 well that at times a dictatorship regime is maintained  
6 in power with the help of its propaganda and the ideas  
7 that such regime expounds to the population?

8 A. Yes, it is its first tool.

9 Q. Mr. Koenig you mentioned Bill S3  
10 which has been submitted before the House of Commons,  
11 if I recall correctly, in 1959?

12 A. Yes, I mentioned it.

13 Q. In your brief and in your evidence  
14 as well, and you may correct me if I am wrong, you  
15 said that at that time the pilots believed that according  
16 to that bill one could or would exempt all ships  
17 from pilotage, including foreign ships. Was that  
18 your impression?

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1 French

2 A. I think especially all the pilots  
3 were badly informed about that bill. Personally I  
4 didn't know what it consisted of until recently when  
5 the bill was read and reread more closely. About two  
6 or three years ago at the time of the motion very few  
7 of us knew exactly what was in that bill.

8 Q. Is it not true that the general  
9 impression amongst the pilots as well as your own  
10 personal impression was that the aim of such legislation  
11 was to exempt eventually all ships from pilotage includ-  
12 ing foreign ships, not only lake ships?

13 A. I think we were under that impression,  
14 yes.

15 Q. Were you made aware, as well as  
16 your colleagues, about the statements made by the  
17 representatives of the shipowners of ocean going vessels  
18 to the effect that they never asked for exemption of  
19 pilotage, had no intention of asking for such exemption  
20 and weren't asking for such exemption? Were you informed  
21 about these public statements made by shipowners?

22 A. Yes, I would like to stress here at  
23 the same time, Mr. Brisset, that the Association which  
24 is called Dominion Marine Association in agreement  
25 with the Lake Areas Association was especially the  
26 one that was asking for exemption.

27 Q. But were you informed, were the  
28 pilots of your Association informed about the fact  
29 that the shipowners, and I mention the shipowners of  
30 ocean going vessels had made public statements they







1 French

2 hadn't been hadn't been asking for exemptions, weren't  
3 asking any, weren't going to ask for any in the future  
4 because they believed that pilotage was absolutely  
5 essential for ocean going vessels.

6 A. I believe I recollect that certain  
7 statements were made to that effect, but I don't recall  
8 -- I don't remember very well that the other points  
9 existing between the organizations were mentioned or  
10 explained, but I remember correctly that the ship-  
11 owners, as you say, seemed to be more amenable  
12 in the field than the lake ship carriers.

13 Q. At any rate, if I understand your  
14 evidence very well and you correct me if I am wrong  
15 it is at this time, precisely at that time that the  
16 pilots of Quebec were led to understand that it would  
17 be essential for them to join the Federation in order  
18 to have a common front and be united in order to  
19 safeguard their rates because it was a question of  
20 life or death for them.

21 A. I think we were led to understand  
22 such a thing.

23 Q. Now, Mr. Koenig, also on the subject  
24 matter of a dictatorship, and you may correct me if  
25 I am wrong, one of the aspects of dictatorship is the  
26 following: To maintain one's power and to always remain  
27 in power.

28 A. Naturally that is the explanation  
29 of the structure of the administration today.

30 MR. LANGLOIS: (Not interpreted.)





1 French

2 (THE INTERPRETER: The speaker is not  
3 talking into the microphone and cannot be interpreted.)

4 MR. BRISSET: Yes. Mr. Koenig, the Lower  
5 St. Lawrence, the Corporation of the Lower St. Lawrence  
6 Pilots sent us a list of its administrators in the  
7 course of the last three years. I would like to give  
8 you that list and ask you if according to your personal  
9 knowledge those are the names of the administrators  
10 who were in office during the years mentioned.

11 THE WITNESS: Insofar as I know those  
12 names are correct.

13 Q. Is it not true that according to the  
14 list the name of Gaston Rousseau is on that list every  
15 year as president?

16 A. It is true, but on the other hand I  
17 think that there is in the By-Law provision for a  
18 two-year mandate for the president, and that after that  
19 that he becomes an honorary president and then gives  
20 his office to somebody else.

21 Q. I think that he remains as administrator.

22 A. That is what happened, yes.

23 Q. Could we file this list as Exhibit 635.

24

25 ---EXHIBIT NO. 635:

List of officers of  
Corporation of the Lower  
St. Lawrence Pilots.

26

27  
28 Q. I would like to submit to you a list  
29 of the members of the Boards of the Federation of the  
30 St. Lawrence Pilots ever since its inception, that is





1 French.

2 in 1960. According to your knowledge are these the  
3 real officers of the Federation of St. Lawrence Pilots?

4 A. Yes, I think so.

5 Q. Do you see the same names, the same  
6 officers, the same names as you see on the list of  
7 the officers of the Lower St. Lawrence Pilots?

8 A. With a few exceptions. There would  
9 be for the higher officials.

10 Q. I would like to file that list as  
11 Exhibit 636.

12  
13 ---EXHIBIT NO. 636: List of officers of the  
14 Federation.

15 Q. Mr. Koenig, you mentioned the  
16 membership form which has to be signed by a pilot in  
17 order to become a member of the Corporation of the Lower  
18 St. Lawrence Pilots in your District. Could you please  
19 give us fuller details about that because I didn't  
20 follow your evidence too well about it. Could you  
21 explain to us how come you finally signed that form  
22 yourself, that application form.

23 A. My first intention -- it wasn't my  
24 first intention to sign that document, in the first  
25 place upon the advice of pilots that were older than  
26 I and later on I noticed some of these pilots, for  
27 reasons better known to themselves, had finally decided  
28 to sign that document and become members of the  
29 Corporation, people I had high esteem for, whose  
30 advice I always followed, so it came time I finally







1 French  
2 decided to sign. At that time there was great propaganda  
3 going on, as is always the case concerning delays, that  
4 somebody not signing before such and such a date would  
5 find it far harder or difficult, far more costly  
6 later on to sign it. The following day after I had  
7 signed up I phoned a few pilots and the line was banged  
8 on my nose. I was told I was dumb, and today I found  
9 out they were right.

10 Q. Mr. Koenig, when you signed that  
11 application form at that time were you given the  
12 text of the drafted By-Laws of the Corporation of Lower  
13 St. Lawrence Pilots?

14 A. Yes, I was sent a text, as you say.

15 Q. Did you peruse it?

16 A. Yes, I did, and at that time I didn't  
17 see so many differences with the structure of the  
18 preceding Association with the exception of the presence  
19 of lawyers was mentioned a great deal because their  
20 presence would be necessary. I don't want to say  
21 anything against lawyers, but the members of the  
22 new Corporation would be far better protected than  
23 those of the preceding Association, and it was always  
24 the idea to have a common front and be united because  
25 an organization which is divided loses a great deal  
26 of its soundness and effectiveness and it is for  
27 these considerations I signed up with the Corporation.

28 Q. After you had signed up with the  
29 Corporation were there any changes made in the By-Laws  
30 of the Corporation or changes, and amendments to the





1 French

2 original text which had been sent to you?

3 A. No, I don't think so, not to my  
4 own knowledge, anyway.

5 Q. Mr. Koenig, did you understand, and  
6 if you understood it perhaps you could explain it to  
7 us, how the Association and the Corporation were binding  
8 or were merging one to the other since the Corporation  
9 was constituted? I think you were already a member  
10 of the Association, were you not?

11 A. All the pilots at that time were  
12 members of the Association. I was told a great deal  
13 of things this morning, amongst which these signatures  
14 of all the new pilots, all the pilots since 1960. I  
15 don't know why they have signed, but I think if  
16 these signatures will be proved there is boob because  
17 nobody had a right to renounce the Association unless  
18 it was a unanimous decision. So long as there was  
19 one pilot whose signature existed within the Association  
20 the others didn't have the right, so I don't see how  
21 today -- how the Government gave the authorization of  
22 Charter for the Corporation when we knew, especially  
23 at the last moment, that perhaps not every pilot would  
24 sign up with the Corporation.

25 Q. At any rate if I understand properly  
26 you can no longer resign from the Corporation?

27 A. I can't resign from the Association  
28 because there is a Paragraph in the structure of the  
29 old Association which provides that one cannot resign  
30 unless all members agree upon the resignation, but I







1 French

2 think it is possible because of the drawback that I  
3 mentioned previously that the Commission in the conclusion  
4 of its inquiries could perhaps leave an open door  
5 for all of those who would like to withdraw from the  
6 Association.

7 Q. Did you think about withdrawing from  
8 the Association yourself?

9 A. I would like to do so, as well as  
10 many of my colleagues.

11 Q. Did you try to do so?

D2 12 A. I asked for it a little while after  
13 having signed it. After I had been spoken to over the  
14 phone in that way, this opened my eyes. We are  
15 consulting with a few lawyers. Those lawyers tell us  
16 at that time, both in groups or alone, that they would  
17 do everything in their power in order to find a  
18 possibility of getting out, and then letters patent  
19 were emitted and if we were free of the intervention  
20 of the Honourable Senator Courtemanche -- it all  
21 happened very fast and it was very costly and at that  
22 time we were told by the lawyer it would be a little  
23 harder to withdraw.

24 Q. Did you try? Did you submit a  
25 letter of resignation to the Corporation?

26 A. No, I didn't do it because I had  
27 very little hope.

28 MR. LALONDE: The letters patent of the  
29 Corporation of the Lower St. Lawrence Pilots emitted  
30 by Mr. Lesage to the interim Minister Leon Balcer.





1 French

2 (THE INTERPRETER: Mr. Lalonde is not  
3 speaking into the microphone.)

4 MR. LALONDE: Leon Bolcer. While I am  
5 standing I would like to draw the attention of the  
6 Commission to Exhibit 636 entitled list of names of  
7 the members of the Board of Directors of the Federation  
8 of St. Lawrence Pilots and state that this exhibit  
9 is not in agreement with reality insofar as the names  
10 of the administrators are concerned. A complete  
11 list will be submitted later on.

12 THE WITNESS: Could I add here, my lord,  
13 that I apologize to the Commission. I made a mistake  
14 here. Those are the letters patent of the Federation which  
15 were granted through Senator Courtemanche. I was  
16 mistaken when I said they were letters patent of the  
17 Corporation because I believe I said that that was the  
18 case at the time. This was a mistake I made because  
19 I was so concerned about other matters.

20 Q. Concerning Exhibit 636, my lord,  
21 I must say the origin is the Secretary of this Commission  
22 who said he obtained it from the officers of the  
23 Federation. I know it is always possible to make  
24 an error and stand to be corrected. I would ask that  
25 this exhibit remain in the files.

26 THE CHAIRMAN: It will remain in the files  
27 and the corrections will be brought about eventually.

28 Q. Mr. Koenig, one of the criticisms  
29 that you made against the administration of the Corp-  
30 oration at the present time had to do with turns of





French

1 duty granted to certain pilots who weren't doing turns  
2 of duty for which they were granted a free turn of  
3 duty. I would like to draw your attention to Exhibit  
4 597. Unfortunately I don't think that the Secretary  
5 of the Commission has this exhibit before him today.  
6 I am going to give you my copy. I would like you to  
7 look at the page entitled appendix B and tell me what  
8 were the number of turns granted to the pilots of  
9 your District during the year 1962. At the bottom  
10 of the page on the lefthand side. Will you let the  
11 witness take his time to look at the document. We are  
12 in no hurry.

13 A. I don't understand your question.

14 Q. The turns that were granted without  
15 having done duty, I mean the total of turns given to  
16 pilots in the District.

17 THE CHAIRMAN: I think the figure is  
18 999-1/2.

19  
20 --- (Uninterpreted comment by Mr. Brisset.)  
21

22 Q. Now, Mr. Koenig, I would like to  
23 draw your attention to Exhibit 589 submitted by the  
24 Superintendent of your District. I would like you  
25 to give me as a comparison the total number of tours  
26 or trips made by these pilots in the course of the  
27 navigation season.

28 A. To answer your question here I would  
29 have to add up the figures.  
30







1 French

2 Q. ... If you look at the lefthand side at  
3 the bottom I think that this figure was given under  
4 the total, aggregate number of trips.

5 A. You are right, so in 1962, 7,359.

6 Q. Now, Pilot Koenig, I think witnesses  
7 have told us during the inquiry that moneywise a turn  
8 was the equivalent of \$125. Are you in agreement?

9 A. Yes, I think that is about so.

10 Q. Here we have to make a very simple  
11 mathematical computation. I will do it for you. I  
12 think the difference between the turns shown on the  
13 balance sheet of the Corporation and the real trips  
14 shown on the Department of Statistics is 631-1/2 trips.

15 A. Yes, you made a simple subtraction.

16 THE CHAIRMAN: Mr. Brisset, I think an  
17 objection is being made.

18 MR. LALONDE: My objection, my lord, is  
19 the following: Unconsciously, perhaps my colleague  
20 is leading us to a mistake, the witness as well as the  
21 Commission, because in the balance sheet the number  
22 of turns is mentioned and in Exhibit 539 trips are  
23 mentioned. It is well-known to people who know a  
24 great deal about pilotage that the trips, pilotage  
25 trips which are indicated here on the balance sheet  
26 and the trips on the Department of Transport is not  
27 identical, so my colleague did indicate to the  
28 Commission that it is the same basis, but the basis  
29 is not the same. A turn and a half is given a trip  
30 to Saguenay. It is calculated here as one trip.





1 French

2 THE CHAIRMAN: Is the evidence given here  
3 that one trip to Saguenay is one and a half?

4 MR. LALONDE: No. This has not been made,  
5 but I think my colleague, if he wants to use such an  
6 argument should establish proof for the two figures  
7 indicated corresponding to the same item.

8 THE CHAIRMAN: At any rate let your colleague,  
9 Mr. Brisset continue and if he makes a mistake I will  
10 be in a position to establish that he has made such  
11 a mistake.

12 Q. About this question, Mr. Koenig, I  
13 think I said, and you may correct me if I am wrong,  
14 that one turn was the equivalent of one trip; is that  
15 true?

16 A. That is to say there is a difference.  
17 The Pilotage District of Quebec is divided into three  
18 sections. There is one-third two-thirds and three-thirds  
19 of a trip rate. I think it is superfluous to give  
20 the boundaries to you. It may be one half or a full  
21 turn. There are no two-thirds of a turn or one-third  
22 of a turn. At any rate despite everything that has  
23 been said beforehand the fact that there is a discrepancy  
24 between the work done and the amount of work as compared  
25 to the wages, well this is a discrepancy that exists  
26 and it is quite considerable.

27 Q. At any rate, Mr. Koenig, I call your  
28 attention to the fact there is a difference of 631-1/2  
29 turns between the two figures as shown in the balance  
30 sheet of the Corporation and the statistics of the







1 French

2 Department. I would like to ask as to these figures,  
3 would it be possible to know what were the turns  
4 allotted for trips that have not been made?

5 A. I think, Mr. Brisset, it would be  
6 preferable later on today, perhaps, to ask the interim  
7 Superintendent of Pilotage, Mr. Maheux to answer you  
8 about that question. I think he can certainly meet  
9 all your requirements.

10 Q. In fact, do you think all pilots  
11 on duty are informed about the number of allotted  
12 turns for trips that haven't been done? Do you receive  
13 a report on that?

14 A. The pilots are now more informed  
15 than they were at the outset.

16 Q. For how long?

17 A. Well, now since the beginning of  
18 this inquiry.

19 Q. How was this information given to you?

20 A. Well, one asks a question at random  
21 at the Pilotage office and we don't receive an answer,  
22 an awful lot of the information is dragged about.  
23 We must ask for these things offhandedly or using  
24 special cunning.

25 Q. Mr. Koenig, in Exhibit 597 which  
26 is the balance sheet for 1962 for the Corporation of  
27 Lower St. Lawrence Pilots there is an item in the  
28 expenses which is the following: "Fees: \$23,100,  
29 "fees for the Association". Can you  
30 throw some light on this?





1 French

2 A. Could you repeat that again?

3 Q. Fees for the Association, \$23,100.

4 A. It would be very difficult for me  
5 to give you the details on this amount, I am afraid.

6 Q. But you are participating in this?

7 A. Yes, maybe against my will, but I  
8 do -- I am part of it.

9 Q. These fees are paid, maybe not  
10 directly, they are contributed by the pilots who are  
11 members of the Corporation?

12 A. Yes, the fees are paid by all the  
13 pilots in the Quebec District, that they be members  
14 of the Corporation or not.

15 Q. So, in fact, they are dues not fees.  
16 You mean that the pilots who are not members of the  
17 Corporation have to pay these dues?

18 A. Yes, as far as I know.

19 Q. Mr. Koenig, in your brief you are  
20 mentioning statistics given by the Transport Department  
21 on the work load of the pilots and you criticize these  
22 figures. Could I ask you on the average how many  
23 trips a week a pilot makes in your District?

D3 24 A. Well, from three to five.

25 Q. Would it be more exact to say the  
26 average is about three trips a week?

27 A. It may be a little more correct,  
28 but it varies according to the periods. If you take  
29 the average, yes, it is three spread over the season.

30 Q. And these trips, what is the length





1 French

2 of such trips, what is the average duration?

3 A. From six to seven hours, but sometimes  
4 they comes to as high as twenty-four or thirty hours  
5 according to the circumstances.

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Q. Is it correct to say that 24 or 30 hours is exceptional?

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A. Yes, but there are trips from 15 to 18 hours.

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Q. In your brief you mentioned also the pilotage dues which are paid at the present time, mostly paid by foreign shipowners. What is the basis of such a statement?

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A. Well it is this: As the man in the street I see ships which go up and down the St. Lawrence River and such ships are foreign flag ships.

12

13

14

Q. Mr. Koenig I understand that during your years of pilotage you have been a special pilot for Saguenay Shipping?

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A. Yes, for five years.

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Q. When was it exactly from?  
A. From 1952 to 1956, inclusive.

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Q. Let's take the last year, 1956, do you know that Saguenay Terminals, which was the name of the company at that time, had a fleet of about 100 ships, maybe more?

A. Yes, about.

Q. Now do you know also the terms of the contract under which such fleet was operated?

A. It was -- a number of these ships are, maybe five or six ships, owned; the rest were charter. There is a certain percentage which were making chartered trips but the larger amount of charters of the Saguenay Company were charters from five to ten years.

Q. In other words, if I understand your





1 French

2 evidence, there were six ships which were owned by the  
3 Saguenay Company and the rest were under charter policy  
4 or foreign flag ships. Now is it on this basis that  
5 you say that dues were paid by foreign shipowners?

6 A. Yes. These always are. If these  
7 ships were not coming to Canada, if these ships were  
8 not part of the Canadian trade, this exchange of money  
9 would not be made.

10 Q. Mr. Koenig do you know the formula  
11 used on the North American Continent for the charter  
12 party which is called the New York Produce Exchange  
13 Form?

14 A. No, I don't know the formula, I am  
15 afraid.

16 Q. So you don't know that according to  
17 this formula of charter party, which is in use here,  
18 the pilotage dues are always paid by the charterer and  
19 not by the shipowner?

20 A. Well I would answer this way: In  
21 my brief I wanted to say that the salaries, the sum  
22 paid by the shipowners or the company were not paid  
23 by the man paying taxes. This is what I wanted to say.

24 Q. Do you admit that you are wrong if  
25 I say to you that the pilotage dues in the shipping  
26 world, where there is a charter policy, are, in principle,  
27 paid by the charterer and not by the shipowner and  
28 Saguenay Shipping is a Canadian company is it not?

29 A. Well in the sense, yes.

30 MR. BRISSET: I am going to change the







1 French

2 subject my lord. Maybe you think this is time..

3 THE CHAIRMAN: You will have other questions?

4 MR. BRISSET: Yes. I need about 15 more  
5 minutes at least.

6 THE CHAIRMAN: We are going to adjourn until  
7 2:30 then.

8  
9 ---LUNCHEON ADJOURNMENT.

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French

A/MR/RPS 1 ---UPON RESUMING AT 2:30 P.M.

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CROSS-EXAMINATION BY MR. BRISSET (CONTINUED):

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Q. Mr. Koenig this morning you said turns could be granted in the case of pilots in order to compensate them for absences due to vacations or meetings. Were you granted turns yourself in order to be present at this Commission hearing?

9

A. No.

10

Q. Did you ask for compensation in turns?

11

A. No, I haven't.

12

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17

Q. You have criticized, in your brief, the meetings or conventions to which pilots of your District are invited while certain pilots do not attend those but they must pay for the cost incurred. Could you please explain what type of convention it is? Is it the general meeting or what?

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24

25

A. In this particular case this is the annual meeting of the Federation of the St. Lawrence Pilots. At the first meeting there were not sufficient number of members in attendance, and later on it was believed that the best possible way of forcing them to attend these meetings, or rather to see to it that they went to these meetings would be perhaps to ask for this mandatory due, which was optional at the outset.

26

27

I think many colleagues have criticized this type of procedure.

28

29

Q. What was the last convention held? Do you remember the date it was held?

30

A. The last convention of the Federation





1 was held on March 15th and 16th.

2 Q. 1963?

3 A. No. I am sorry, on January 31st,  
4 February 1st and 2nd 1963.

5 Q. Where?

6 A. Ste. Marguerite de l'Esterel in the  
7 Laurentians.

8 Q. Did you go to that meeting?

9 A. No.

10 Q. Would you know personally how many  
11 pilots attended that meeting?

12 A. Well in the minutes, about 20 pilots  
13 were mentioned. Twenty pilots were in attendance and I  
14 think that when one knows the number of administrators  
15 and the number of official delegates, there are not too  
16 many voluntary pilots.

17 Q. When you say 20 pilots, do you mean  
18 20 pilots from your District or 20 pilots from all  
19 Districts?

20 A. Well I have to look at the report.

21 Q. Am I to understand there was a report  
22 that was issued following that convention? A report  
23 that would have been submitted by the administrators?

24 A. Well it has been mentioned that the  
25 attendance was more or less complete, but insofar as  
26 we are concerned, 20 pilots were pilots from the Quebec  
27 District so the administrators should number six or  
28 eight, and delegates, I don't know the exact number,  
29 consequently, there are not too many pilots remaining  
30 who truly are voluntary in that case.







1 French

2 Q. If you have a report about that, what  
3 was the dues asked from the Corporation of your District?

4 A. I think that the amount is \$25 per  
5 person.

6 THE CHAIRMAN: Per pilot?

7 THE WITNESS: Yes my lord and in the Hotel  
8 Expenses, which are mentioned for the convention, I think  
9 that there is a lesser amount for each person, than  
10 \$38 for two persons so I think that the mandatory  
11 contribution is, of course, out of necessity quite  
12 generous.

13 Q. Do you have the total of the complete  
14 contribution coming from the Quebec District?

15 A. I don't have it on hand, but perhaps  
16 it would be easy to multiply by the number of pilots  
17 on duty at that time. I don't know if all pilots  
18 have contributed their due. It is highly possible that  
19 it was done, and if such was the case, you would have  
20 to multiply 25 by 77.

21 Q. Before the holding of that convention  
22 was there any literature that has been distributed  
23 amongst pilots in order to indicate what would be the  
24 aims of the holding of such convention? What would be  
25 the agenda? What matters would be discussed at that  
26 convention? Were you informed?

27 A. There was some literature distributed  
28 to that effect. Half of the literature was dealing with  
29 matters having to do with pilotage, and the other half  
30 had to do with the social aspects of the convention,





1 French

2 which is quite excusable, of course.

3 Q. Do you have with you a copy of that  
4 literature indicating what matters dealing with pilotage  
5 and pilots were to be discussed at that convention?

6 MR. JACQUES: Well I have the part that  
7 has to do with the social activities, if you are  
8 interested.

9 Q. Well I was wondering what was that  
10 publicity; having to do with pilotage matters only.  
11 Nobody invited me I must say.

12 A. I think it is about -- I received about  
13 the same thing, with few exceptions. Perhaps I shall  
14 discover a few additional exceptions here but one must  
15 add that for a convention which was being held at a  
16 critical time in our history, that all these invitations  
17 do not sound very serious indeed.

18 Aside from that, at the convention the  
19 Quebec Maritime School was mentioned at the convention.

20 MR. LALONDE: Sorry my lord, the witness  
21 has said that he has not gone to the convention. He  
22 had not attended it, and he is giving evidence about  
23 discussions that took place during that convention and,  
24 consequently, I think it would be better to cross-  
25 examine witnesses that were present at the convention.

26 Naturally I would be happy to submit to  
27 the Commission ten bulletins that were sent, including  
28 the caricatures that my colleague has before him,  
29 and I would be happy to submit a series of these  
30 bulletins to the Commission either tomorrow or before







1 French

2 the end of the week.

3 THE WITNESS: My lord, I would like to  
4 indicate that at this convention, which I did not attend,  
5 some complete reports have been submitted to us later,  
6 and I am basing my testimony upon that.

7 THE CHAIRMAN: So it is what Mr. Lalonde  
8 has said, it is the propaganda that has been sent  
9 previously and reports that have been submitted later  
10 on by the pilots who attended. Would you please submit  
11 this as Exhibit 637.

12 MR. LALONDE: I think I can get all this  
13 literature for Wednesday morning.

14 Q. Mr. Koenig, now I would like to press  
15 on to the question of pensions and the way in which  
16 the pensions are administered and I would like to ask  
17 about criticisms contained in your brief. Could you  
18 please tell me, in the first place, in what year you  
19 became a pilot?

20 A. I became a pilot in April 1951.

21 Q. How old were you then?

22 A. At that time I was 36 years of age.

23 Q. Did you establish a computation of  
24 the different contributions that you yourself had to  
25 make as regards your benefits to the pension fund during  
26 the past years?

27 A. I did not establish any computation  
28 of that amount Mr. Brisset, but it would be enough to  
29 give you an accurate figure either tomorrow or the day  
30 after tomorrow, if you so require..





1 French

2 Q. Could you please give us these  
3 figures?

4 A. Yes.

5 Q. From the year 1951, which is the first  
6 year you were hired as a pilot until the year 1962,  
7 inclusive?

8 A. I can give you these figures tomorrow.

9 Q. Now about the same subject matter,  
10 for the time being, I would like to call your attention  
11 to Exhibit 590, which is a report prepared by the  
12 Pilotage Superintendent in Quebec indicating the amount  
13 of total receipts or benefits from each pilot's earnings,  
14 and the amount of possible contribution to the pension  
15 fund. I would especially like to draw your attention  
AA2 16 to an entry made under number eighty-two in this  
17 Exhibit where your name is given, Maurice Koenig, the  
18 total amount of your earnings from pilotage, \$15,095.37  
19 and the amount of the contributions, entitled  
20 "amount paid to fund" totalling \$1,136.20. Am I to  
21 understand that this is the contribution to the pension  
22 fund, this amount of \$1,136.20?

23 A. In what year?

24 Q. The year 1951. Would you please look  
25 at this Exhibit?

26 A. I am not sure about the figures I  
27 will be able to submit later on will certainly concur  
28 with those I see here.

29 Q. So I can take it that the amount,  
30 insomuch as you can tell us at the present time, is





1 French  
2 accurate and truly represents your own contribution  
3 to the pension fund?

4 A. Yes, I think so.

5 Q. I imagine, and you may correct me  
6 if I am wrong, that in the subsequent years, that is  
7 in 1960, '61 and '62, the contribution is quite higher  
8 due to the increase in the individual earnings of  
9 pilots. Is that true?

10 A. Yes.

11 Q. According to the Pilotage By-Laws,  
12 as you know Mr. Koenig, I am quite sure, that the age  
13 for retiring is 65. Is that true?

14 A. Yes.

15 Q. So when you have reached retirement  
16 age, you will have contributed, if I am right, for 29  
17 years. Is it true for me to say at that time, upon  
18 checking with your own figures, that your total  
19 contributions will perhaps total, at the end of your  
20 career, about \$40,000, roughly speaking?

21 A. Yes, this is about right.

22 Q. And what is the life expectancy of  
23 a 65-year old man Mr. Koenig?

24 A. What do you mean exactly by "life  
25 expectancy"?

26 Q. Well, for example, for how long a  
27 man who has reached the age of 65 will live after the  
28 age of 65, according to normal statistics?

29 A. I do hope I will live up until 75,  
30 but I am very much afraid I will be gone before reaching







1 French

2 the age of 70.

3 Q. So according to your own knowledge,  
4 and I know that you are not an actuary, the life  
5 expectancy may be from five to ten years after the  
6 age of 65?

7 A. Yes.

8 Q. According to the existing system  
9 Mr. Koenig what are the amounts paid to the pensioners  
10 every year?

11 A. Well from \$3,000 to \$3,500, let us  
12 say, starting this year.

13 MR. LANGLOIS: My lord, I am not very much  
14 interested in any cross-examination, although it is  
15 interesting by itself but I would like to indicate  
16 exactly what is meant when we talk about pensioners.  
17 Are we talking about pilots or their dependents?  
18 There are certain distinctions to be made.

19 Q. When I spoke of pensioners Mr. Koenig,  
20 first of all, I meant the pilot and then afterwards  
21 we will study the problems as related to the wife or  
22 children.

23 A. This is what I understood Mr. Brisset  
24 meant.

25 Q. In the case of the pilot's death, is  
26 the pension payable to his wife or his children?

27 A. The pension is payable to his wife  
28 to the extent of the two-thirds, so long as his wife  
29 does not marry a second time.

30 Q. Is that amount to be paid until the





1 French

2 death of the dependent?

3 A. Yes.

4 Q. And in the case of children, up to  
5 what age?

6 A. Up to 21 years of age.

7 Q. And the total amount paid in the  
8 case of pensioners of the class I have just mentioned  
9 is equivalent to three-quarters of the pension that  
10 would have been paid to the pilot if he was still  
11 living?

12 A. If you include the pension paid to  
13 the children, aside from that paid to the widow, this  
14 would be approximately the amount.

15 Q. Now you have told us, and I understood  
16 after reading your brief, that you were not satisfied  
17 with the way the pension fund was being administered.  
18 Do you think that your criticisms are also directed  
19 towards the pensions themselves that are paid or simply  
20 the way in which the pension is being administered?

21 A. The criticisms are especially against  
22 the amount of the pension which is paid as compared  
23 to the amount paid on the annual basis because these  
24 amounts are not comparable. For example, if we  
25 studied other pension funds, the annual income, for  
26 example that a pilot could have obtained from the  
27 Government if the pension fund had been abolished at  
28 the time where it would have been easy to do so, when  
29 the number of pensioners was slight, and the amount  
30 was small, well the whole amount would have been







1 French  
2 preempted a few years ago and we would not be holding  
3 such discussions today.

4 Q. In other words Mr. Koenig if we  
5 think that you will live until the age of 65, you will  
6 have paid to that fund about \$40,000, and you may  
7 correct me if I am wrong, then the income that you  
8 might get from the way in which the pension is  
9 administered at the present time, such incomes are  
10 not in comparison with what you would withdraw yourself  
11 if you yourself had made the investment personally?

12 A. Well I am quite sure that I would  
13 have been able to get a higher pension with the same  
14 annual investment or payments which are mandatory at  
15 the present time.

16 Q. Mr. Koenig I would like to call your  
17 attention now to Exhibit 589, which is a statement  
18 prepared by the Superintendent of Pilotage of your  
19 District, giving the income of each pilot or the total  
20 number of pilots during the years 1958 to 1962 and  
21 I would like to call your attention especially to  
22 an item which reads as follows:

23 "Annual gross earnings for effective  
24 "pilots for the year 1962, totalling  
25 "\$17,058.63."

26 As regards to this figure, I would like  
27 to draw your attention to Exhibit 597 which is the  
28 balance sheet of the Corporation of the Lower St.  
29 Lawrence Pilots No. 44 where I read your name, Maurice  
30 Koenig, and the total gross earnings paid to yourself





1 French

2 being \$14,210. Now taking into account this pension,  
3 or rather taking into account this contribution which  
4 has been paid to the pension fund, could you please  
5 explain, if you can, where this discrepancy comes from?

6 MR. LALONDE: My lord, I still have the  
7 same problem to raise as the one I raised this morning.  
8 That is to say that we are comparing one document, which  
9 is a financial statement of the Corporation of Pilots,  
10 which has certain data, and another document which has  
11 been submitted by the officers of the Department of  
12 Transport and a figure of \$17,000 odd dollars has been  
13 quoted based upon the total to "effective pilots"  
14 but the contributions to the pension fund are deducted  
15 directly. This is a percentage of 10 per cent at the  
16 present time which is taken from the total income of  
17 the District of Pilotage and they are not taken from  
18 the effective pilots as such and they have absolutely  
19 nothing to do with the hypothetical computation for  
20 effective pilots so once more I think that this is  
21 misleading. It would be misleading to compare these  
22 two figures in order to try and reach a conclusion.

23 THE CHAIRMAN: Thank you very much Mr.  
24 Lalonde. You may go on Mr. Brisset.

25 Q. A preliminary question Mr. Koenig.  
26 In order to enlighten a certain matter, I am led to  
27 understand that during the year 1962 you made the  
28 required number of trips? That is the average required.  
29 Is that a fact?

30 A. Yes, it is a fact Mr. Brisset and I







1 French  
2 note here there is a discrepancy of at least \$2,750  
3 between gross earnings, the two gross earnings mentioned  
4 in the two reports. If we take away the pension fund,  
5 there is still a considerable discrepancy here which  
6 might be explained by the fictitious trips. Perhaps.  
7 I don't know, but naturally we need an explanation of  
8 that.

9 Q. Were you never given explanations  
10 about that in order to make you understand where this  
11 difference between these two figures came from?

12 A. That is to say the report that I have  
13 here, stemming from the officials of the Department of  
14 Transport, I understand that we may consult this, if  
15 we wanted to, but we don't try to use this figure.  
16 Usually we are satisfied with our own balance sheet  
17 and we don't want any other type of balance sheet.

18 Q. Were these matters raised at the  
19 annual meeting of the Corporation which you may have  
20 attended?

21 A. No. This matter was not raised.  
22 Sometimes it was mentioned that there might be certain  
23 discrepancies of that type, and we were satisfied and  
24 under the title of not being an egotist naturally we  
25 were being told all the time this is not the time to  
26 save money. One must do something.

27 Q. Did you know Mr. Koenig that during  
28 the years 1959 and previous that the Superintendent  
29 of Pilotage in your District prepared financial state-  
30 ments indicating what were the individual gross earnings







1 French  
2 of each pilot based upon the number of ships and  
3 tonnage of ships that they had piloted?

4 A. Yes, this was being done. I don't  
5 know if this is a continued practice today but I was  
6 under the impression that the system still applied.

7 Q. Did you ever consult or look at these  
8 financial statements before the year 1960 after which  
9 these statements were no longer prepared?

10 A. Sometimes I looked, for example,  
11 for someone who was retiring, or a friend told me  
12 I gave such and such an amount in the field of pilotage,  
13 but only at these times. I never did so in any  
14 official manner.

15 Q. Do you think it would be interesting  
16 for the pilots to have received this statistical data?

17 A. Yes, I think so especially in the  
18 light of what goes on today.

19 Q. When you mention what goes on today,  
20 what do you mean exactly?

21 A. Well one feels there is something  
22 wrong somewhere. Naturally I am not accusing anyone  
23 but there is something -- just seems that it is not  
24 going so well.

25 Q. Are you given the individual pilots earn-  
26 ings in the same statistics, by the Corporation, concerning  
27 your individual gross earnings?

28 A. Well we receive what you have seen  
29 in the balance sheet but aside from that we are not  
30 given the total amount. We are given the fortnightly





1 French

2 amount. We are told we have spent such and such an  
3 amount for such and such a thing but no specific details  
AA3 4 are given. Naturally this wouldn't be a good policy  
5 to discuss these matters at meetings such as this  
6 one. That is why we accept the fortnightly budget,  
7 as indicated.

8 Q. So the only thing that you get is  
9 what goes into this common fund?

10 A. Well to my own mind it is not enough.

11 Q. This morning Mr. Koenig you were  
12 telling us that all new pilots that were licensed for  
13 the Quebec District since the year 1960, and I think  
14 there are 10 of them, became members of the Association  
15 of Pilots of Quebec Harbour and Below. Do you know  
16 if these pilots also became members of the Corporation  
17 of the Lower St. Lawrence?

18 A. I think it would be preferable for  
19 me not to give a definite answer because I was sure  
20 that none of them had signed with the former Association,  
21 so I don't want to say here they signed up with the  
22 new Corporation before having seen their signatures  
23 in the first place.

24 Q. Consequently you are not in a position  
25 to say if they are also members of the Corporation?

26 A. I think they are.

27 Q. Why do you think so?

28 A. Well there was certain cases,  
29 especially entering tests of pilots, it being my  
30 impression that the idea was that it would be preferable







1 French  
2 for him to become a member of the Corporation. There  
3 were two instances, for example, I know of, that during  
4 the examination or test of a pilot ---

5 MR. LALONDE: I am sorry my lord, it is  
6 all very nice to let the witness talk as he pleases, but  
7 it is only hearsay evidence or impressions that should  
8 be checked or to ask the witness what his sources  
9 are. I am sure that the witness has not been a  
10 member of the Board of Examiners for many years.

11 THE CHAIRMAN: Well you will have an  
12 opportunity of cross-examining on that point if you  
13 take due note of it.

14 THE WITNESS: Can I add to my answer?  
15 So finally these two gentlemen, I am sure there were  
16 others, at least one of these who could give evidence  
17 to that effect, and he was told why don't you sign  
18 that while we are waiting? He signed this paper while  
19 we were waiting.

20  
21 ---EXHIBIT NO. 637: Literature re Convention held  
22 January 31st, February 1st and  
23 2nd, 1963.  
24  
25  
26 -  
27  
28  
29  
30 -





/PB/RPS

1 French

2 There is a certain tension going on, and the only thing  
3 that one wants is to be able to pass the examination  
4 and get out scott-free and there are students that  
5 don't even remember their name during the examination.

6 Q. So, this argument you are mentioning . . .

7 A. I would say you, Mr. Brisset, to  
8 ask the witness whom I can name to give evidence,  
9 and ask him this question.

10 MR. JACQUES: Could you give me the name?

11 THE WITNESS: First of all Jean Claude  
12 Bernier. That is the first time I have named anyone  
13 and George Larue, both of whom passed the examination  
14 at the same time. I can't necessarily verify about  
15 the second one. I don't see why he couldn't substantiate  
16 his colleague's statement as they were both passing  
17 the examination at the same time.

18 (THE INTERPRETER: Mr. Lalonde is not  
19 speaking into the microphone and cannot be interpreted.)

20 MR. BRISSET: I have dates given in the  
21 document that has been filed, that is the Incorporation  
22 Act of the pilots of the Quebec Harbour and Below.

23 MR. JACQUES: Mr. Jean Claude Bernier has  
24 signed the 9th of March, 1956 and Mr. Georges Larue  
25 the 6th of March, 1956.

26 THE WITNESS: My lord, I have seen nothing  
27 funny in this. There are many instances where there  
28 had been pressure, all kinds of pressure at later  
29 dates. If necessary I could mention as we are all  
30 members of the Federation, a Montreal pilot who refused





1 French

2 to sign into the Federation and the directors went to  
3 his home and they told him in front of his wife that  
4 if he refused to sign there would be other means, even  
5 means of force would have to be employed.

6 MR. LALONDE: We ask that he be named.

7 THE WITNESS: Zephirin Mongrain.

8 Q.: When you mentioned two names in the  
9 Quebec District, the date in the document is 1956 and  
10 that is before the Corporation was formed.

11 A. Yes, they were examined for pilots.  
12 I mentioned this incident to show that this could  
13 happen at one time or another. There has been  
14 a number of instances which I am not at liberty to  
15 repeat because I am not sure the witnesses will come.  
16 If it is possible I would be very pleased to give you  
17 more names at a later date.

18 Q. Mr. Koenig, you mentioned in your  
19 evidence the pilot strike in all Districts in 1962.  
20 The pilots of the Quebec District as you know participated  
21 in that strike. Are you in a position to tell us what  
22 the pilots were after at that time?

23 A. I understand that the Quebec pilots  
24 at that time were in support of their colleagues in  
25 the Kingston District, in particular. I don't see  
26 any other reason. Maybe they were afraid to lose a  
27 number of benefits that they already had and they could  
28 have preserved by some other way.

29 Q. I would like to know this: Did the  
30 Quebec pilots have something at stake at that time in







1 French

2 the Quebec District?

3 A. No, I don't. We were told that it  
4 was a life and death question.

5 Q. But for whom?

6 A. For the pilots, of course, I considered  
7 it very well, as I already mentioned, it was about Bill  
8 S3. That problem wasn't solved and at that time it  
9 was set aside for a while so I don't think it was that,  
10 that they were afraid of that. For the Quebec District,  
11 I don't see very well except we were in support of the  
12 other members of the Federation.

13 Q. Were the pilots of the Quebec District  
14 looking for a raise in their income?

15 A. No, I don't think so.

16 Q. Was it their working conditions  
17 that had to be changed?

18 A. No, not as far as I know.

19 Q. So if the pilots of the Quebec  
20 District had nothing to win by going on strike, could  
21 you tell us if all the pilots were in favour of the  
22 strike?

23 A. No, I don't think they were all in  
24 favour of the strike.

25 Q. What is the basis of your assumption,  
26 Mr. Koenig?

27 A. Because after a few phone calls between  
28 us it was well understood that if we had felt that  
29 some kind of sympathy shown by the Minister of  
30 Transport -- that is what we were looking for. Nothing





1 French

2 came. Some directors came. They were told to call  
3 each pilots when their tour of duty came and ask them  
4 if they were ready to work. They didn't give us the  
5 support. The Department knew very well a large number  
6 of pilots -- it is very surprising with people asking.

7 It was done with an esprit de corps, with solidarity.  
8 Myself, I had to call some of my colleagues that wanted  
9 to go and offer their services and tell him he should  
10 not do that.

11 Q. Why did you do that?

12 A. I think it was before that. I didn't  
13 want -- one should not put a rope around his neck  
14 because it was possible to have reprisals later on.

15 Q. On the same subject of the strike,  
16 Mr. Koenig, as a result of the action which was taken  
17 at that time did you win something, you and the Quebec  
18 District?

19 A. No, personally I don't see any  
20 benefit from it.

21 Q. Another question which I would like  
22 to ask you, Mr. Koenig, is the question of St. Nicolas  
23 offices which were closed, I think one or two were  
24 closed?

25 A. Yes.

26 Q. And could you tell us if at that  
27 time the pilots were advised by the administration of  
28 the Corporation that they were advised of what was  
29 being discussed between the Federal Authorities who  
30 were doing these changes and the administration?







1 French

2 A. Not as far as I know.

3 Q. When did you learn of it for the first  
4 time, when did you learn that the offices were closed?

5 A. Well, somebody told me that the  
6 beds were gone. I was very sore about that because  
7 we learned that the annual amount that we pay to keep  
8 these domiciliaries -- salaries of the charwomen who  
9 cleaned the office -- the whole thing was around  
10 \$450, \$460. The only economy of this story is that  
11 the beds weren't done any more and the washing wasn't  
12 done, and we would have been very happy to pay for that.  
13 That had been done.

14 Q. So you didn't agree with what happened  
15 at that time, Mr. Koenig. Can you tell us what were  
16 the benefits of these accommodations which were provided  
17 to the pilots at that place?

18 A. Well, this is one benefit -- there  
19 are a number. There was an office -- some people are  
20 going too far, but if I go, I take myself in this as an  
21 illustration. It is my right, I think -- I rented  
22 a little house on the beach near Quebec. It was the  
23 first year I was doing so. By bus the cost was \$1 for  
24 two ways, another \$1 to go to the pilot office. After  
25 that if a ship wasn't there it cost me another \$1  
26 to go and \$2 to go to the office and wait for my ship.  
27 That was \$6 -- \$4 would have been saved in my own case  
28 each time. That happened many times.

29 Q. What were the other benefits that  
30 you received from these accommodations?





1 French

2 A. Well, it happened very often since  
3 the St. Nicolas office has been closed -- why it has  
4 been closed, such as the signal station -- there are  
5 other stations, the stations which are very near the  
6 change of pilot. This station near the change of pilot  
7 -- it isn't as important as the change of pilot. As  
8 there was no station, the ship would say I am coming  
9 in in one hour. It is habitually very close. The  
10 visibility is not always good. We can't always from  
11 St. Nicolas Ancillary see going down. Something could  
12 happen. The pilot has been warned. He has left home.  
13 He has to return home. If we had accommodation he  
14 could wait there. He would have a bed and wait until  
15 the next time. I think it is very easy to understand  
16 it. This accommodation was a very good thing.

17 Q. Mr. Koenig, was a bulletin distributed  
18 by the Corporation on the question of the closure  
19 of this accommodation?

20 A. No, not so far as I know.

21 Q. To come to the strike of 1962, was  
22 a bulletin issued by the Administration of the Corporation  
23 to your District explaining why the pilots should go  
24 on strike and what benefits there were to be given?

25 A. Yes, a few bulletins were issued,  
26 but these bulletins, as far as I know insisted on the  
27 solidarity with other Districts. They said it was a  
28 question of life and death, to use the same terms, and  
29 we should support the other Districts otherwise later  
30 on at some later date we would be ourselves trapped and







1 French

2 we would need their support. This I doubt.

3 Q. Do you have in your documents a copy  
4 of such a bulletin?

5 A. It may be so that I have it somewhere,  
6 but I don't have it here. I may have it probably at  
7 home.

8 Q. If you could look into the matter.  
9 Well, Mr. Koenig, would you be good enough to look into  
10 your papers to see if you could find one of these  
11 bulletins?

12 A. Certainly I will do so.

13 Q. Mr. Koenig, since this Commission  
BB2 14 has been sitting did you read the brief of the Shipowners?

15 A. Yes, very quickly.

16 Q. Do you know about one of the recommend-  
17 ations of the Shipowners Federation according to which  
18 we would like to guarantee to the pilots a minimum  
19 salary which would be pre-established and subject to  
20 a number of negotiations to be discussed between the  
21 pilots and shipowners.

22 A. Yes, I know about it, Mr. Brisset,  
23 and I must say that I quite agree with such an offer  
24 as long as we don't receive the status of civil servants  
25 because I am against such a status, and as long as  
26 such standards would vary according to the cost of  
27 living.

28 Q. I believe it is important to underline  
29 the fact that the Shipowners Federation is not asking  
30 any more as we may have done before that the pilots would







1 French

2 be considered civil servants. I would like you to note  
3 this point. Thank you.

4 Mr. Koenig, did you have the opportunity  
5 to see these proposals from the Shipowners Association  
6 which as you probably know were made before the brief  
7 was submitted to this Commission, do you know if these  
8 proposals have been discussed between the pilots, sub-  
9 mitted and discussed? I don't say in general assemblies,  
10 but during the year?

11 A. I believe that such proposals weren't  
12 so very well known until you submitted your brief.  
13 There are even a number of pilots who don't know today.  
14 A number of my colleagues are not against it as long  
15 as the conditions that I have mentioned before are  
16 guaranteed.

17  
18 RE-CROSS-EXAMINATION BY MR. LALONDE:

19 Q. My colleague asked a question at the  
20 end, he asked you if you knew -- he said did the  
21 pilots discuss the Shipowners proposal included in the  
22 brief which was made before the submission of the brief.  
23 I have one question on this point: Do you know if  
24 such proposals were officially made to the pilots or  
25 to their representatives?

26 A. I don't know.

27 Q. My colleague asked about the 1962  
28 stoppage of work. There was a special assembly of the  
29 members which was called before the decision on this  
30 point. There was a general assembly called.





1 French

2 A. Maybe so.

3 Q. Is it not true that 56 members were  
4 present plus 12 members who sent their support, written  
5 support?

6 A. I would like to know which assembly  
7 was it?

8 Q. I am talking about a special general  
9 assembly which met in Quebec for the members of the  
10 Corporation in the first days of April, 1962 before  
11 any decision on the work stoppage.

12 A. I don't remember. I don't think --  
13 no, I don't remember that I ever went to such a meeting.

14 Q. Would you trust the statistics of  
15 the Department of Transport, Mr. Keonig?

16 A. Yes.

17 Q. Why do you take two pages of your  
18 brief to show that these statistics were out of balance  
19 or weren't standing on their feet?

20 A. If you read that chapter I think I  
21 explained it at great length, but if you want some more  
22 information please be more specific.

23 Q. Well, in particular you don't agree  
24 with the way the Ministry calculates the hours of work?

25 A. Certainly. If you were a pilot you  
26 would do the same.

27 Q. If you have read the brief of the  
28 Federation you will see that our views meet on this  
29 subject.

30 A. Exactly. I don't agree. I think







1 French

2 these statistics have nothing to do with our problems.

3 Q. You know that the Minister, when  
4 he calculates effective pilots he doesn't use the number  
5 of trips made by pilots, he is using pilots that are  
6 present or absent.

7 A. All the Districts are oriented. .  
8 The Ministry knows to which effect he wants to use the  
9 statistics. For the purpose of this Commission I think,  
10 and for public information I think these statistics are  
11 unnecessary.

12 Q. But such statistics are verified  
13 by accounting services in Quebec. The statistics which  
14 were given to you by the Transport Ministry were they  
15 verified before?

16 A. I am not in a position to answer.

17 Q. The pilots' balance sheet you received  
18 in 1962 which was presented to the Commission, does that  
19 balance sheet -- does it include the full amount which  
20 was given to the Corporation of Pilots, statement of  
21 income and expenses?

22 THE CHAIRMAN: What is the exhibit number?

23 MR. LALONDE: It is 597.

24 THE CHAIRMAN: It would be easier if you  
25 would state the number of the exhibit.

26 THE WITNESS: It is probably true -- such  
27 amounts have been paid to the Corporation. It isn't  
28 the amount that has been paid. It is the way it is  
29 spread out.

30 Q.. Is it not true that a pilot can establish





1 French

2 how much he made throughout the year?

3 A. Yes.

4 Q. It is not difficult information to  
5 receive. It is not very difficult to know how much  
6 he made?

7 A. No, it is not a difficult point.  
8 What is difficult is it doesn't appear necessarily on  
9 salary and how much it is really. I would like to  
10 be more specific. The amounts are paid. The salaries  
11 are there. It is used. What is left, it is distributed,  
12 but I submit that if each pilot had a little more  
13 control with his salary it would be a normal thing  
14 to do. He could ask for accounts with a little more  
15 detail. We don't necessarily say these expenses were  
16 crazy, but we would tend to believe that they are  
17 so if we don't have the details.

18 Q. But the details are given to you  
19 at the general assembly if you ask a specific question?

20 A. Well, Mr. Lalonde, I would like you  
21 to put yourself in my seat. You have heard the number  
22 of question which were asked and didn't receive  
23 satisfactory answers.

24 Q. Satisfactory -- it is a question of  
25 application.

26 THE CHAIRMAN: Who is giving the answers?

27 THE WITNESS: In many cases I think Mr.  
28 Lalonde is giving the answers.

29 Q.. Every two weeks you receive this  
30 statement of the expenses made by the Association or





1 French

2 Corporation?

3 A. Yes, yes.

4 Q. Are you a member of an association  
5 like the Chamber of Commerce?

6 A. Not as far as I know.

7 Q. Would you know if many organizations  
8 send fortnightly reports of their expenses?

9 A. The only status I could have outside  
10 of piloting is the status of a civil servant so I am  
11 not able to answer on that point.

12 MR. BRISSET: (The Interpreter: Mr. Brisset  
13 is not speaking into the microphone and cannot be  
14 interpreted.)

15 MR. LALONDE: I know of a number of doctors  
16 pools who operate on the same basis and which don't  
17 receive fortnightly reports, including Mr. Brisset's  
18 office, I think.

19 THE CHAIRMAN: I know some law offices  
20 who receive monthly reports on statements of accounts.

21 MR. LALONDE: So that proves that the  
22 Pilot Corporation is twice as effective as lawyers'  
23 associations.

24 Q. You mentioned, Mr. Koenig, that it  
25 was now easy to receive information on the tours of  
26 duty, to obtain that from the administration, and you  
27 said it was easy since the Commission has been  
28 established. When was the Commission established?

29 A. Well, last December, 1962.

30 Q. And how is it that since that time you







1 French  
2 have more information on the turns granted by the  
3 administration?

4 A. Well, because with the years passing  
5 more things have been discussed and the colleagues  
6 have looked into the matter a little more closely.  
7 They checked periodically and this is how we happen  
8 to know. We made some representations. We asked how  
9 many turns for this one, and how many turns for such  
10 and such.

11 Q. Pilot, so you mean there is a large  
12 amount of pilots who have wanted to make this check?  
13 How did they do it? They went to the Superintendent?

14 A. Maybe. We take the information where  
15 we can.

16 Q. Wasn't that information always  
17 available in the Superintendent's office?

18 A. Yes, but in the beginning we didn't  
19 think of going there because we thought that the number  
20 of turns -- even if we didn't approve of it we thought  
21 it wasn't exaggerated, but this year I think there  
22 is exaggeration.

23 Q. So you think . . .

24 A. I am not the only one.  
25 You must believe me.

26 Q. Naturally you would have to prove  
27 that. Is it not a fact that the information concerning  
28 the number of turns allotted was always available  
29 at the Superintendent's office?

30 A. Yes, I think so.





1 French

2 Q. In the same place is it not the  
3 administration turns are in the minutes of each  
4 meeting of the Board of your Corporation as well as  
5 the Association?

6 A. Yes, that is quite true.

7 Q. Is it not true that all the minutes  
8 of the Association and the Corporation may be consulted  
9 by all members at the office?

10 A. Yes. You know most members don't  
11 avail themselves of that trouble.

12 Q. Is it not a fact at the annual meeting  
13 the president submits a report about the turns allotted  
14 to the administration?

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MR/RPS 1 French

2 A. I am not ready to answer yes.

3 Q. I am going to read part of a  
4 sentence, and I am going to ask you to go back to the  
5 meeting of January 11th 1961, which was the annual  
6 meeting and I am going to read to you an extract of  
7 the President's report, which will be filed at the  
8 pertinent time.

9 I am going to ask you if you remember having  
10 heard this:

11 "We must also notice the work done by  
12 "your Administrators. As you know, this  
13 "work is done free but it is true that  
14 "our pilots allow us to allot turns to  
15 "all Administrators or any members of  
16 "Committees but one must not imagine that  
17 "these few turns cover entirely or compen-  
18 "sate fully for the number of hours in  
19 "the exercise of the official duty."

20 "For example, this year it has been  
21 "allotted to the Administrators and members  
22 "of different Committees a total of 79  
23 "turns and a half which represents approx-  
24 "imately one trip per pilot. That is  
25 "approximately 12 hours of work each for  
26 "the administration of your Corporation  
27 "and for your Federation. In my case I  
28 "have asked Mr. Menard to keep a log book  
29 "of all the hours I have stayed at the office,  
30 "which he did, and he reached a total of





1 French

2 "one thousand and thirty-four and a half  
3 "hours for the last season. Before these  
4 "one thousand and thirty-four and a half  
5 "hours I was allotted twenty-six turns  
6 "which represents 39.8 hours of work per  
7 "pilotage allotted, or five months and  
8 "two weeks of work based upon a 40-hour  
9 "week."

10 "I do not wish to complain, but in  
11 "order that each and everyone will under-  
12 "stand in order to look after the business  
13 "of the Corporation of the Federation that  
14 "this is no easy matter indeed."

15 Do you remember having heard such a report  
16 in 1961?

17 A. I can't say yes Mr. Lalonde because  
18 I cannot state that I attended that particular meeting.  
19 I missed one or two meetings. But I still say that  
20 it was ~~an~~ extremely good compensation even at that  
21 time.

22 Q. You also mentioned the contribution for  
23 the annual convention of the Corporation and you said  
24 that it would be a good idea, in order to force the  
25 members to attend the convention. Who thought that?

26 A. I can't tell you. Certainly there  
27 was an organization for the pilots.

28 Q. Is it not in fact you who thinks  
29 this is the reason for which this formula has been  
30 adopted?





1 French

2 A. No, it is not me because this comment  
3 was made in front of me.

4 Q. You mean the reflection of the comment  
5 was made in front of you by an administrator?

6 A. Not at that time. By a colleague  
7 who was closely connected with the administrators and  
8 who was actively looking after the organization of  
9 that convention, all the publicity and especially to  
10 sell participation cards.

11 Q. Once more this is a subject matter  
12 upon which you did not deem it necessary to get some  
13 information at the annual meeting?

14 A. Well . . .

15 Q. Answer yes or no.

16 A. Will you please repeat your question?

17 Q. Well this is a subject matter upon  
18 which you did not deem it necessary to get some  
19 information at the annual meeting?

20 A. No.

21 Q. You would know if the question would  
22 have been decided upon during the annual meeting?

23 A. I think it has been decided at the  
24 annual meeting but I think that you remember the item  
25 that I have mentioned on July 26th last when I had  
26 protested most vehemently against this compulsory  
27 contribution. At that time I had asked for a secret  
28 ballot, which has been refused.

29 Q. On this matter?

30 A. Yes.







1 French

2 Q. Is it not a fact that about this  
3 matter, once more of the secret ballot, the question  
4 has been submitted to the annual meeting, at the general  
5 meeting in order to ask if it would be a secret ballot  
6 or not?

7 A. Yes, it has been submitted, first of  
8 all asking for a vote by a show of hands.

9 Q. You said upon my suggestion. Is it  
10 not according to the By-Laws of the Corporation?

11 A. Yes, but it was drafted by you just  
12 the same.

13 Q. I am sorry, but I must contest this  
14 idea because I have not drafted them myself. They were  
15 voted upon by whom? You know the By-Laws have been  
16 voted by the Corporation?

17 A. Yes, they are. Many things though  
18 have been voted by the Corporation.

19 Q. Once more you deplore, do you, the  
20 regime of the majority?

21 A. Yes, I deplore the sort of minority  
22 which keeps us from having some free decisions made.

23 Q. Do you think that this minority  
24 always obtained the majority at the meeting?

25 A. Yes, following certain murderous  
26 looks.

27 Q. Did you have many murders the past  
28 year concerning these dirty looks or these murderous  
29 looks?

30 A. I would prefer not to be murdered or





1 French

2 assassinated for many years.

3 Q. Well I want to ask if there had ever  
4 been any discrimination against you, and once more I  
5 would like to stress the fact that in the meeting last  
6 year it was stressed that it would be possible for  
7 each and everyone to express his own views. If this  
8 cross-examination has seemed lengthy to you, or difficult,  
9 it was not in order to persecute you but rather in order  
10 to find out the facts.

11 A. Thank you for your consideration.

12 THE CHAIRMAN: Do you have many questions  
13 to ask?

14 MR. JACQUES: No.

15  
16 RE-DIRECT EXAMINATION BY MR. JACQUES:

17 Q. Mr. Koenig you have mentioned an  
18 incident concerning a ballot. You said if there were  
19 two positions to fill at one election, that there were  
20 four candidates and you were asked to vote for two  
21 candidates out of these four, otherwise your vote  
22 slip would be considered as null and void.

23 A. Yes. This is how I understood it  
24 at the time.

25 Q. At that time you had received how  
26 many voting slips?

27 A. I must say here that I did not take  
28 part in the vote. When I saw the way in which  
29 everything was happening, finally I took my suitcase  
30 and I left.







1 French

2 Q. So you don't know if one voting  
3 slip covering both positions would be distributed or  
4 two voting slips would be distributed, one for each  
5 position?

6 A. I don't know exactly myself because  
7 I could check upon that, because many colleagues talked  
8 to me about that later on and related to me everything  
9 that happened.

10 Q. Now do you consider yourself to be  
11 under the employment of the Corporation of Pilots of  
12 the Lower St. Lawrence? What is the name of that  
13 Corporation? The Corporation of the Lower St. Lawrence  
14 Pilots?

15 A. You mean the new Corporation?

16 Q. Yes. Do you consider yourself in the  
17 employment of that Corporation?

18 A. Well there are certain times that  
19 I ask myself that question.

20 Q. Could you please explain your  
21 statement?

22 A. Well because of certain statements  
23 I made today, and because of certain relationships  
24 existing still today between the two groups, that is  
25 the old Association and the new Corporation, and due  
26 to the way the signatures of the young pilots, which  
27 were shown to be beforehand and which surprised me,  
28 well all of these things make me believe that there  
29 must have been a special reason for making the young  
30 pilots sign up with the old Association.





1 French

2 Q. I do not think you have understood.  
3 the gist of my question. Do you consider yourself  
4 an employee of the Corporation as a pilot? Or do you  
5 consider yourself a pilot independent from the Corporation?

6 A. I must answer to that that insofar  
7 as I know the legal subject, I cannot say, but I am  
8 legally a member of the Corporation and consequently  
9 I am under the employment of the Corporation under the  
10 authority of the Department of Transport.

11 Q. Now concerning all these expenses  
12 made by the Corporation, to your knowledge is there  
13 any limit provided by the Board of Directors to spend?  
14 Is there any limit on the expenses in other words?  
15 Or rather is there any budget that is an estimate of  
16 the expenses which is submitted to the members of the  
17 Corporation before actually spending the money?

18 A. I think that the only limit mentioned  
19 somewhere, and I couldn't answer you any more formally,  
20 have been the limits which would apply to entertaining,  
21 as is said in French, that is the social aspect of  
22 the work. Now so far as the rest is concerned, I don't  
23 think there are any restrictions or limitations.

24 We talk about the administrators -- giving  
25 free scope to the administrators.

26 THE CHAIRMAN: I am led to understand that  
27 for the meeting that was held at l'Esterel there was  
28 a special contribution that was asked for?

29 THE WITNESS: Yes, my lord.

30 THE CHAIRMAN: So it has not been absorbed,







1 French

2 or rather written off as an ordinary expense.

3 Q. I would like to submit an appendix  
4 A of Exhibit 597 entitled "statement of receipts and  
5 expenses for the fiscal year ending December 31st 1962".  
6 This appendix indicates expenses totalling \$43,892.80.  
7 To your knowledge do you think that these expenses  
8 have been approved before they were actually made during  
9 the year? Are you asked to approve a budget estimated?  
10 Are you proposed the following, for example: The  
11 Corporation is going to spend so many dollars for  
12 publicity purposes. So many dollars for professional  
13 fees. So many dollars for Association dues. Are you  
14 requested to approve periodically certain figures?

15 A. We are not asked to approve certain  
16 figures. We are just told that it is going to be  
17 expensive to pay and it is not time to save money or  
18 to be an increase.

19 Q. In other words, you are asked to  
20 approve the expenses when they are made?

21 A. Yes, that is about the size of it.

22 THE CHAIRMAN: At any rate, do you think  
23 the source or cause of expenses are not approved  
24 previously? For example, on certain type of work done  
25 in this given field, for example, are you authorized  
26 to do such and such a work in a given field? For  
27 example in the hiring of technicians or consulting  
28 with experts are you not consulted before those  
29 experts are hired or called upon?

30 THE WITNESS: To my knowledge my lord







1 French

2 these decisions are made by a meeting, at the meeting  
3 of the Board or at times by a meeting of delegates  
4 appointed by the Board but I do not think that these  
5 decisions that you mentioned are being made during an  
6 annual meeting.

7 Q. Mr. Koenig on this point did you read  
8 the brief which has been submitted by the Federation  
9 of Pilots?

10 A. Yes, I read it.

11 Q. Did you read the specific recommend-  
12 ations of the Corporation of Lower St. Lawrence Pilots?

13 A. Yes.

14 Q. Before the drafting of this brief  
15 were you consulted about the recommendations that were  
16 to be set in that brief?

17 A. Well insofar as I can remember, we  
18 were submitted a certain number of recommendations by  
19 mail.

20 Q. Mr. Koenig I would like to show you  
21 here two documents, photostat documents. Would you please  
22 look at them and tell us if those documents were  
23 ones that were sent to you by mail?

24 A. Yes.

25 Q. I would like to file these two  
26 documents together at Exhibit 638.

27  
28 ---EXHIBIT NO. 638:

Two documents entitled  
"circular letters regarding  
"the recommendations of the  
"Association of Licensed  
"Pilots for the Harbour  
"of Quebec and Below" to the

29

30





1 French

2 Royal Commission of  
3 Inquiry on Pilotage.  
4 This document is dated  
5 June 5th, 1963.

6 Now I would like to read the last paragraph  
7 of that document my lord and I quote:

8 "We ask you to look closely at these  
9 "recommendations. Any member who is not  
10 "in agreement with these recommendations  
11 "should tell us about his disagreement with-  
12 "in seven days of the date of this document.  
13 "All the answers that won't be received  
14 "will be considered as an approval of the  
15 "recommendation."

16 This document was written on June 5th?

17 A. Yes, and at that time I thought it  
18 was quite dogmatic because all those who were in town  
19 at that time received it on the 6th and the ultimate  
20 date meant the 12th, the time limit for an answer, so  
21 we have to work our trips. We are not home for a whole  
22 week at times. In order to take all the necessary  
23 time to study these matters, and I think I have  
24 somewhere, perhaps here but I would not think about  
25 it at the same time as the document that was asked  
26 of me from Mr. Brisset, the decisions were made by the  
27 Board and the delegates on the 10th of the same  
28 month which was two days before the date approving  
29 as a whole all the recommendations which were to be  
30 submitted to the Commission.

Q. I have a document here. Is that a







1 French

2 photocopy of the document you are referring to?

3 A. I think so, yes.

4 Q. May it please the Commission, this  
5 document which has been submitted to the witness for  
6 an immediate reference to the draft recommendation does  
7 not state in that document if it has to do with the  
8 recommendation of the Corporation of the Lower St.  
9 Lawrence or of the Federation. This is a document  
10 entitled "Federation of the St. Lawrence Pilots. Bulletin  
11 to members." As the text is ambiguous, I would not  
12 like to file this as an exhibit.

13 THE CHAIRMAN: Could you please file it  
14 with the comments you just made.

15 MR. LALONDE: I don't see any ambiguity  
16 in that document as is the case of my colleague. This  
17 document states, amongst other things, that  
18 at Three Rivers on June 4th -- "there was a general  
19 meeting of the delegate members of our Federation.  
20 The general recommendations which had already been  
21 submitted to all the Boards of the member Corporations,  
22 as well as to the administration council of the  
23 Federation, were studied and discussed at length by  
24 the delegate members." And the rest of the text has  
25 to do with the general recommendations, so if we look  
26 at the brief submitted by the Federation of the St.  
27 Lawrence Pilots, there are two sections. The first  
28 section is entitled "General Recommendations of the  
29 Federation of the St. Lawrence Pilots" which totalled  
30 39, and the second section, which is entitled "Specific





1 French

2 Recommendations of the member groups of the Federation  
3 of the St. Lawrence Pilots" and the introduction of  
4 the brief states, at paragraph 5, aside from general  
5 recommendations covering the terms of reference of the  
6 Commission, that is the 39 general recommendations to  
7 which I referred, the Federation has submitted as  
8 annexed certain number of "specific recommendations  
9 relating to pilotage in given Pilotage Districts.

10 "Although the Federation endorses  
11 "these recommendations, these recommendations  
12 "do not fall directly within its competence  
13 "but the competence of the Pilots' Corpor-  
14 "ation. These special recommendations  
15 "have been adopted by the Boards of each  
16 "interested Corporation, each group of  
17 "pilots being entirely independent and  
18 "because navigation on the St. Lawrence  
19 "is in full swing, it has been impossible  
20 "for the Corporation to convene a special  
21 "general meeting of their members in order  
22 "to study these recommendations. However,  
23 "a great number of these recommendations  
24 "were discussed and voted upon at general  
25 "meetings that were held previously and,  
26 "further, each Corporation recently consulted  
27 "its members through the mail about these  
28 "recommendations.

29 "In all cases these recommendations  
30 "have been approved."







1 French

2 I think there is no confusion. I would say  
3 this document of the Federation has to do with the  
4 general recommendations.

5 MR. JACQUES: I would prefer, my lord, for  
6 the officers of the Federation to give evidence instead  
7 of my colleague, although I have a great deal of  
8 confidence in him.

9 Now my lord I am going to file this exhibit,  
10 which will have the number 639.

11 THE CHAIRMAN: There was a slight confusion.  
12 Perhaps it is very clear upon reading these different  
13 exhibits and perhaps what would help would be the fact  
14 that many pilots, who are members of the group, are  
15 informed about different corporations, associations  
16 in existence at the present time. All the different  
17 bulletins they receive, there might be a certain  
18 confusion and when one stops and peruses the document,  
19 naturally there is no confusion but for some who  
20 receive all these documents from right, left, and so  
21 forth, and who files them without reading them, there  
22 does result a certain type of confusion and naturally  
23 this could explain the situation. I think for the  
24 purpose of the Commission I would prefer this document  
25 to be filed.

26  
27 ---EXHIBIT NO. 639:

Bulletin of the Federation  
of the St. Lawrence Pilots  
dated June 10th, 1963.

28  
29  
30 MR. LALONDE: Once more, my lord, on this







1 matter, I am ready to recognize that my colleague is  
2 not forced to believe in me, but naturally I am not  
3 the one who chooses the wrong witness in order to see  
4 to it that certain exhibits are being identified.

5 MR. JACQUES: Perhaps he is a bad witness,  
6 but at any rate he was good enough to be kept in the  
7 witness box for three days.

8 THE CHAIRMAN: No more comments on that.  
9 Naturally this is not the witness that should be  
10 used in order to talk about these documents.

11 MR. JACQUES: The witness tells me that  
12 on June 10th, that is five days after the preceding  
13 exhibit, which is a letter asking them to say yes or  
14 no if they approve of the recommendations, on June 10th  
15 previously he has sworn he has received the document  
16 and he said that everything has been finalized and  
17 adopted.

18 MR. LALONDE: I agree my lord but once  
19 more the legal adviser of the Commission perhaps puts  
20 words into the mouth of the witness that the witness  
21 has not said. The document is dated June 10th and  
22 I do not think the witness has received that document  
23 on June 10th so now it is up to both counsel to give  
24 evidence.

25 THE CHAIRMAN: Are there any other questions?

26 MR. JACQUES: No. Thank you Mr. Koenig.

27 THE CHAIRMAN: Any further questions to  
28 Mr. Koenig?

29 Mr. Koenig, we thank you. I think it was  
30 useful for all intents and purposes that you have





1 testified.

2 MR. KOENIG: Thank you very much sir.

3 THE CHAIRMAN: There will be a short recess.

4

5 ---A SHORT RECESS.

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B/RPS

1 ---FOLLOWING THE SHORT RECESS:

2 THE CHAIRMAN: Tomorrow morning is the  
3 opening of the Tribunal. The ceremony will begin at  
4 quarter to ten, so that the Commission will sit in  
5 the morning. We will have to participate in the begin-  
6 ning of the ceremony and we will be here at ten or  
7 half past ten. We will be sitting tomorrow morning  
8 in spite of the opening ceremonies.

9 MR. JACQUES: Mr. Pouliot.

10  
11 JEAN BAPTISTE CYRILLE POULIOT, Sworn

French

12  
13 DIRECT EXAMINATION BY MR. JACQUES:

14 Q. Could you give us your name?

15 A. Jean Baptiste Cyrille Pouliot.

16 Q. Age?

17 A. 70.

18 Q. You were a pilot in the Quebec District.

19 Could you speak louder and directly in the microphone.

20 Which year did you become a pilot?

21 A. 1916.

22 Q. Could you explain to us the apprentice-  
23 ship that you did to become a pilot?

24 A. Seven years, 40 trips per season.

25 Q. From where?

26 A. Quebec to Father Point.

27 Q. Quebec to Father Point. Did you  
28 go out into the high seas?

29 A. Yes.

30 Q. How many years?

A. Four.





1 French

2 Q. Four winters on the high seas and  
3 seven years as apprentice pilot.

A. Yes.

4 Q. Did you obtain a competency  
5 certificate for the time spent at sea?

6 A. Yes.

7 Q. The witness, my lord, has a licence,  
8 mate coasting trade, passenger, steamer or fore and aft  
9 rigged sailing vessels, established the 16th of April,  
10 1913. After your seven years apprenticeship to become  
11 a pilot did you undergo some training course?

12 A. Yes.

13 Q. That was your course for your  
14 mate's certificate?

15 A. Yes.

16 Q. As an apprentice pilot did you undergo  
17 examinations?

18 A. Yes, for the competency, for the  
19 writing.

20 Q. Did you pass that when you became  
21 an apprentice?

22 A. Before, to become an apprentice.

23 Q. To become an apprentice. To the  
24 best of your knowledge which were the examinations  
25 which you passed?

26 A. On writing and mathematics.

27 Q. In writing?

28 A. Yes, English, French.

29 Q. That was to become an apprentice.

30 Now, did you have to give your name to some people to





1 French

2 become an apprentice?

3 A. Yes, you had to apply.

4 Q. How did you apply?

5 A. Each pilot at that time was entitled  
6 to have one apprentice. It was said here that one  
7 had to be the son of a pilot to become an apprentice.  
8 That is absolutely wrong.

9 Q. How was it done in your time?

10 A. Each pilot was entitled to one  
11 apprentice. When your turn came if you had no apprent-  
12 ice you could sell your turn to a friend. It could  
13 be sold.

14 Q. A pilot was entitled to one apprentice.  
15 Then the apprentice was going with the pilot?

16 A. He was going on turns with all the pilots. If the  
17 apprentice was going only with one pilot he was no  
18 good. He had to go with all of the pilots.

19 Q. Did you have to pay the pilot to  
20 become an apprentice?

21 A. Yes, my father had to pay \$500 for  
22 my tour.

23 Q. So you became an apprentice. It  
24 was paid to the pilot who had the tour?

25 A. Yes.

26 Q. You had to buy the right. After  
27 your seven years of apprenticeship did you pass  
28 examinations to become a pilot?

29 A. Yes.

30 Q. What kind?







1 French

2 A. On the river, on English, but especially  
3 on the river.

4 Q. Rules of navigation, the charts?

5 A. Yes, yes.

6 Q. The seven years of apprenticeship,  
7 was it compulsory or was there any minimum?

8 A. Seven years, not less.

9 Q. Not less than seven years. Did it  
10 happen in your time that some apprentices would go more  
11 than seven years?

12 A. Yes, but after my time.

13 Q. When you became a pilot was there an  
14 Association or something like that?

15 A. Yes, it existed, something existed.  
16 That wasn't in agreement with the shipowners and they  
17 used one of our black sheep.

18 Q. A black ship?

19 A. Black sheep, is no good, so we went  
20 into the Tribunals. We had to go to England to fight  
21 the case because at that time I had suggested we use  
22 the Federation, because we were fighting the Shipping  
23 Federation.

24 Q. You said that you went to England?

25 A. We had to go to the Superior Council  
26 in England.

27 Q. Privy Council?

28 A. I don't know what it is.

29 It is some court in England. It was because of the  
30 river pilot corporation, the black sheep.





1 French

2 Q. The black sheep, what was that?

3 Was that the Pacquet case?

4 A. Yes, that is it. He was a credit  
5 to the Corporation of Pilots -- before the stress of  
6 the Shipping Federation.

7 Q. Could you tell me how the Association  
8 was started?

9 A. As I told you when we were in -- when  
10 we went to England for that case -- when we lost that  
11 case in England we unionized.

12 Q. This morning or sometime we were shown  
13 an Act of the Association of the Pilot Union. It is  
14 a copy of Exhibit 592. It is entitled Association  
15 of Licensed Pilots for the Quebec Harbour and Down Below.

16 A. That was after my time.

17 Q. When was the Association established  
18 when you talk about Association?

19 A. I think it was in 1918 or 1920. That  
20 was after the Pacquet case.

21 Q. Was it changed later on?

22 A. No, lengthened the period. The  
23 Pilots' Corporation is the best corporation we have in  
24 Canada. I want you to stress that point. It is the  
25 protection of the pilots and for the protection of the  
26 shipping. This I must state.

27 Q. I am showing you the original of the  
28 Act of the Association of the Pilots, No. 47 is  
29 Cyrille Pouliot.

30 A. Yes, that is my name.







1 French

2 Q. So that this is the original  
3 Act of the first Association. Would you like to have  
4 a look at it.

5 A. There is no date here. I don't  
6 see any date. This is it and this is my signature.

7 Q. Did you expect to join this Association  
8 immediately when it was formed?

9 A. Oh yes because we could see it was  
10 in our interest. We have to protect ourselves against  
11 the wolves.

12 Q. Before the Association how were you  
13 paid for your work, was the money given to somebody?

14 A. Yes, the money was given to the  
15 Corporation of Pilots.

16 Q. And the Corporation was paying you?

17 A. Everything was divided.

18 Q. Was it divided the same way as it  
19 was divided in the Association?

20 A. Yes, equal shares.

21 Q. Was there an adjustment for the  
22 trips?

23 A. No, no I don't remember that.

24 MR. JACQUES: Thank you.

25  
26 CROSS-EXAMINATION BY MR. LALONDE:

27  
28 Q. Mr. Pouliot, at the time of the  
29 Association and at the time of the Corporation didn't  
30 you have a method according to which the pilots were





1 French

2 receiving an amount, sharing in proportion to the  
3 number of turns?

4 A. No, it was equal shares.

5 Q. You mean if you had 50 pilots you  
6 were dividing into 50 whatever the number of trips  
7 you made?

8 A. Yes.

9 Q. So you have known the two methods,  
10 and at the time it was called the Corporation, that  
11 was established in 1860 . . .

12 THE CHAIRMAN: I have a question on this.  
13 When you said 50 equal shares when there were 50 pilots,  
14 if for one reason or another a pilot was suspended  
15 for two or three months he would receive a share?

16 A. No, then he was on half salary, during  
17 three years.

18 THE CHAIRMAN: If somebody was sick for  
19 five or six months?

20 THE WITNESS: Half salary.

21 Q. At that time you had four pilots and  
22 line pilots. These line pilots made more trips?

23 A. Yes.

24 Q. The line pilots were making more trips  
25 than the four pilots.

26 A. Yes.

27 Q. In the average is it not true that  
28 the four pilots were making more trips?

29 A. No, later when there was more shipping.

30 Q. When there was more navigation the  
four pilots were making more turns than the line  
pilots. You still have this system of equal shares?





1 French

2 A. Yes.

3 Q. At the time of incorporation, Mr.  
4 Pouliot, did the officers of the Corporation, were they  
5 paid in one way or another or were they taken time off  
6 on ~~turns~~ for the meeting?

7 A. Well, their expenses were taken.

8 Q. Were they granted turns when they  
9 had a meeting?

10 A. If he was named a director he wasn't  
11 piloting at all. He was taking charge of all the  
12 administration.

13 Q. You were owners of the pilot ship,  
14 owner of the ship you used. The shares your father  
15 bought for \$500, was it not a share into buying the  
16 boat.

17 A. Yes.

18 Q. It was a share into the property of  
19 the Association, of the Corporation, so each apprentice  
20 had to spend that money to be admitted, so he was  
21 buying a share into the Corporation?

DD2 22 A. Yes, he was a shareowner.

23 Q. If a pilot was retired was he  
24 reimbursed for the share he had bought?

25 A. No, no.

26 Q. Could he sell his tour?

27 A. When he sold his tour that was final.

28 Q. You mean in practice he couldn't  
29 buy his share for \$500 in 1917 and sell it in 1920 at  
30 \$800?







French

1 A. Oh, no. When the tour would come  
2 it was a seniority system when I was an apprentice.  
3 It wasn't his tour so he had to buy his share.

4 Q. He had to buy a tour for you?

5 A. Yes.

6 Q. The tours were under the seniority  
7 system. If it had been your father's tour he would  
8 have nothing to pay?

9 A. No.

10 Q. Your father could have named a person  
11 of his own choosing if it was his own tour. During all  
12 that period of administrators were full-time directors  
13 employed full time?

14 A. Yes, they were administrating in  
15 general. They were watching for discipline, they  
16 were doing the tours.

17 Q. You mentioned discipline. How was  
18 the discipline?

19 A. Oh yes, except the black sheep I  
20 told you about. He wouldn't follow discipline. That  
21 is why we had the case.

22 Q. The discipline was strict?

23 A. Yes, it was strict.

24  
25 CROSS-EXAMINATION BY MR. BRISSET:  
26

27 Q. Mr. Pouliot, I think your family  
28 is very well know in the District of Quebec. It has  
29 given many pilots.  
30





1 French

2 A. I think maybe half of them. I mean  
3 they were the best pilots.

4 Q. As I was saying your family is very  
5 well known in the field.

6 A. Yes, from both sides. My father and  
7 grandfather.

8 Q. And your sons were pilots?

9 A. Well, he died at sea, my son, during  
10 the war.

11 Q. You have other people from your  
12 family?

13 A. Yes, nephews.

14 Q. The story says, and correct me if  
15 I am wrong, it says that even when a woman was a pilot  
16 in the District she was from your family.

17 A. My wife was piloting, but not very  
18 often.

19 Q. I think it was your father or your  
20 grandfathers -- one of the women was a pilot?

21 A. Yes, she would take a boat off Saint  
22 Jean, but it wasn't my father. It was an uncle who  
23 was on the ship.

24 Q. I heard in your family there was  
25 a woman who was piloting herself and she was an  
26 extraordinary woman, apparently. I want to underline  
27 this here just to show your family is a very  
28 enthusiastic family in the field of piloting. When  
29 did you retire?

30 A. 1954.







1 French

2 Q. 1954, so you didn't know the new  
3 Corporation?

4 A. No.

5 Q. When you were a pilot were you an  
6 administrator of your Association?

7 A. I was many times director.

8 Q. At that time when you had discussions  
9 with the shipowners associations how were things going?

10 A. Oh well, not so well.

11 Q. You never went on strike when you  
12 were a pilot?

13 A. Yes, we went on strike in the fall.  
14 I don't know which it was, but we wanted a pilot to  
15 go through the ice and the Shipping Federation objected.  
16 I think in 1930 or something.

17 Q. So all the pilots went on strike?

18 A. Yes.

19 Q. For how long?

20 A. Two days.

21 Q. And then?

22 A. We agreed. It was expensive to  
23 keep boats in Montreal, and they couldn't stay there  
24 all winter.

25 Q. So at that time you were going through  
26 the ice.

27 A. Yes. I was the one to recommend  
28 winter navigation.

29 Q. Were you consulted, Mr. Pouliot,  
30 when the new Corporation was established in your





1 French

2 District in 1960? Was your advice asked for?

3 A. No, I had nothing to do with it.

4 MR. LANGLOIS: One question, Mr. Pouliot.  
5 You said that the directors were doing the tours. You  
6 mean they were doing the dispatching?

7 THE WITNESS: Yes.

8 MR. JACQUES: Thank you, Mr. Pouliot.

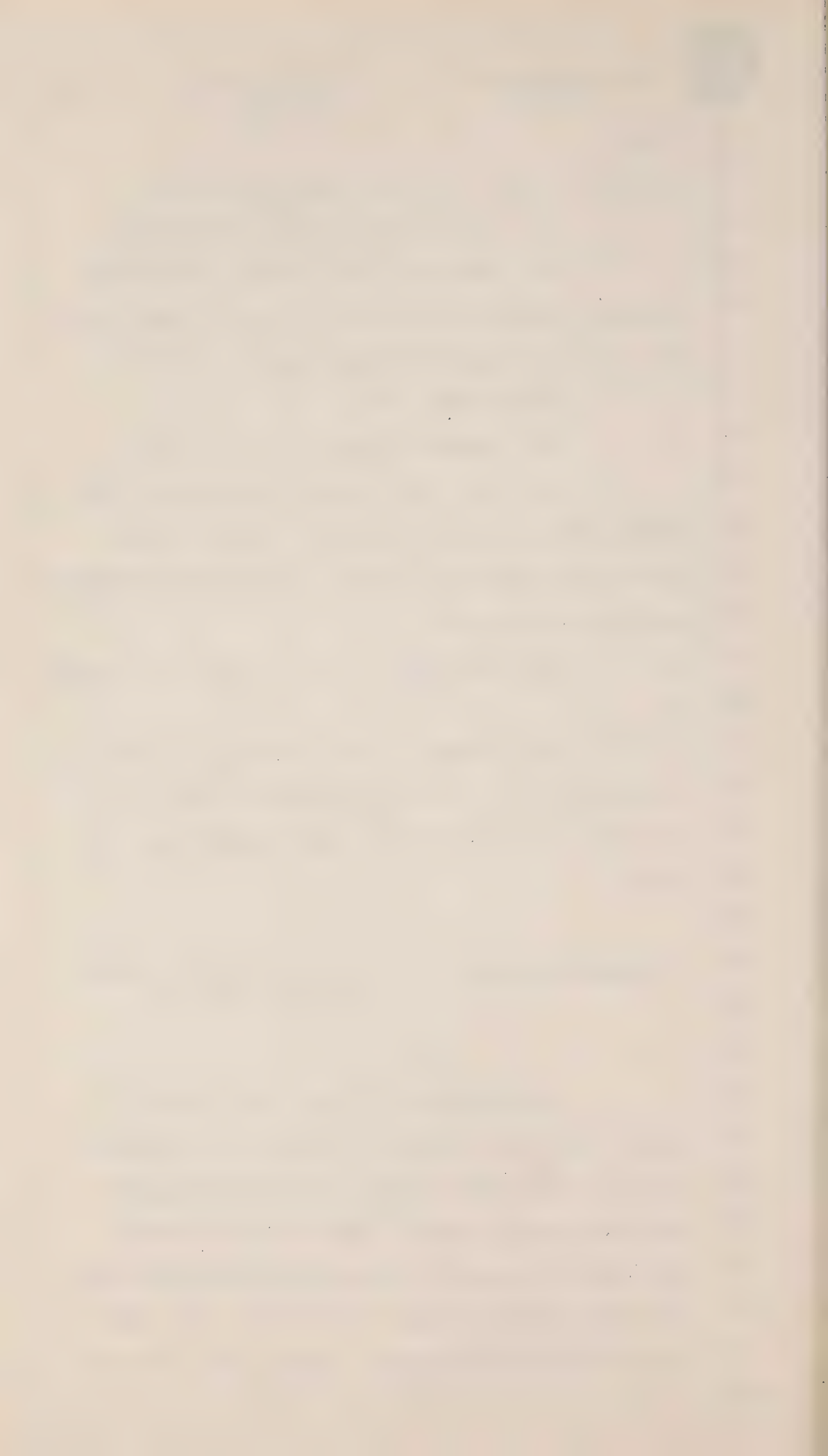
9 My lord, after seeking the advice of the  
10 Nautical Adviser to the Commission, I would like to  
11 file as an exhibit the handbook entitled Radio Telephone  
12 Handbook as Exhibit 640.

13 THE CHAIRMAN: Is this to show how it should  
14 be?

15 MR. JACQUES: I don't know if it is how  
16 it should be. It is how it is supposed to be. I  
17 will enter it as Exhibit 640 in both English and  
18 French.

19  
20 ---EXHIBIT NO. 640: Handbook entitled Radio  
21 Telephone Handbook.

22  
23 THE CHAIRMAN: We have four minutes.  
24 I don't think we will start a new witness. Tomorrow  
25 morning we will start at ten. What will happen for  
26 you people who are going to watch, you will see all  
27 the judges at quarter to ten walking around with their  
28 nice hats and their robes. We will leave the lights  
29 of the Holy Ghost to the other judges and I will come  
30





1 French

2 here. We will see the bright lights of all the  
3 counsel that are sitting here.

4

5 ---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.,

6 TUESDAY, SEPTEMBER 10th,

7 1963.

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# ROYAL COMMISSION

## ON

# PILOTAGE

### HEARINGS

HELD AT

QUEBEC CITY  
QUEBEC

VOLUME No.:

60A

DATE:

Sept. 10, 1963

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing  
held at the Court House,  
Quebec City, Quebec, on the  
10th day of September, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset	for the Shipping Feder- ation of Canada
Mr. C. Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.

\* \* \* \* \*







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\* \* \* \* \*







Quebec City, Quebec  
Tuesday,  
September 10th, 1963 7118

MR/RPS 1 English

2 ---ON COMMENCING AT 10:00 A.M.

3

4 MR. JACQUES: My lord, further to the  
5 evidence given by Pilot Koenig as to his joining the  
6 Association, or rather the Corporation of the Lower  
7 St. Lawrence Pilots, I have secured what purports to  
8 be a request to join this Corporation, together with  
9 a document which purports to contain modifications  
10 or amendments to the Partnership Act of the Association  
11 of Licensed Pilots for the Harbour of Quebec and Below.

12 I make these comments at this stage so  
13 that my learned friend, Mr. Lalonde, may provide  
14 information to the Commission in this respect, and I  
15 should like to draw the Commission's attention to this  
16 document entitled "application form" and it contains  
17 authority to resolve the former partnership and it  
18 contains an amendment to the partnership agreement.

19 THE CHAIRMAN: Are you filing those  
20 documents?

21 MR. JACQUES: I will ask Mr. Lalonde to  
22 check them first my lord.

23

24 JEAN LOUIS LATULIPPE, Sworn

French 25 (Through the interpreter.)

26

27 DIRECT EXAMINATION BY MR. JACQUES:

28 Q. Will you please state your full  
29 name and age?

30 A. Jean Louis Latulippe.





1 French

2 Q. Your age?

3 A. I am 40 years old.

4 Q. Profession?

5 A. Pilot.

6 Q. For what District?

7 A. Quebec and Below.

8 Q. For how long have you been a pilot?

9 A. I have been a pilot for eight years.

10 Q. Have you had any experience at sea

11 before?

12 A. Yes. I have been at sea ever since

13 the age of 17.

14 Q. Well since what year?

15 A. Since 1941.

16 Q. Have you obtained a certificate or

17 licence?

18 A. Yes. Master's coastal and second

19 mate on ocean going vessels.

20 Q. When did you obtain this latter

21 licence? In what year?

22 A. 1948, I think.

23 Q. And what type of apprenticeship have

24 you done in order to become a pilot?

25 A. Worked for five years.

26 Q. Under the old system?

27 A. Yes.

28 Q. The system which consisted in doing

29 a certain number of trips?

30 A. Yes, far more than the required number.







1 French

2 Q. Were you pilot before the penultimate  
3 threat of strike on the river?

4 A. Yes.

5 Q. This was in what year?

6 A. In October 1960.

7 Q. Was there any strike in October 1960?

8 A. Well not directly a strike. It was  
9 a type of general meeting that we were requested to  
10 hold. Of course, naturally a general meeting means  
11 stoppage of work. We can play on words, but this is  
12 what it means.

13 Q. I am sorry if I used the expression  
14 "a strike". Let us say stoppage of work. Was there,  
15 in fact, a stoppage of work in October 1960?

16 A. No. It was cancelled.

17 Q. Now as a pilot were you consulted  
18 concerning this proposed stoppage of work?

19 A. Well at the outset, no. I didn't  
20 even know anything about it; what was going on, or  
21 what was going to go on.

22 Q. Were you a member of the Association  
23 of Licensed Pilots for the Quebec Harbour and Below  
24 at that time?

25 A. Yes. I think I still am.

26 Q. At that time were you a member of the  
27 Corporation of the Lower St. Lawrence Pilots?

28 A. Yes.

29 Q. It had already been created at that  
30 time?





1 French

2 A. Yes.

3 Q. And you had signed the membership  
4 card?

5 A. Yes.

6 Q. Now would you please relate to us  
7 how this question of a possibility of a work stoppage  
8 came to your knowledge?

9 A. Now insofar as I can understand it,  
10 it was a stoppage of work in order to claim \$65,000.  
11 This is my impression. Naturally I did not want to  
12 go on strike for \$65,000.

13 Q. Now did either the leaders of the  
14 Corporation or the Association get in touch with you  
15 concerning this stoppage of work?

16 A. Well there was an administrator  
17 who came to visit me at my home in order to convince  
18 me about this stoppage of work. We discussed it and  
19 finally I kept my own stand, and he kept his own stand  
20 and that is all that ever happened.

21 Q. Now you say an administrator. What  
22 type of administrator was that?

23 A. Well he was an administrator of the  
24 Corporation.

25 Q. How do you know he was an administrator?

26 A. Well how did I know?

27 Q. Well yes, you said that an administrator  
28 went to see you.

29 A. Well it's because he was elected by  
30 the majority. He became a candidate and he was elected





1 French

2 by the majority of members.

3 Q. So that administrator went to see  
4 you in order to try and convince you of stopping work?

5 A. Yes, that's about the size of it.

6 Q. Now did you agree to stop work?

7 A. No. I was amongst those who signed  
8 against, and we sent a telegram to the Federation.

9 Q. The Federation of what?

10 A. Federation of the Pilots, because  
11 at that time what I had thought was that the Minister  
12 had been appointed. I didn't think at that time that  
13 they should be bothered immediately as soon as he was  
14 appointed as Minister.

15 Q. So you said that you were one of the  
16 signatures on the telegram that has been sent to the  
17 Minister?

18 A. That is to the Federation.

19 Q. So to the best of your knowledge  
20 how many persons signed that telegram?

21 A. Well if I recall correctly there  
22 were 14 who signed it, more or less. I didn't check  
23 the exact number.

24 Q. Well approximately 14. So at that  
25 time how many pilots, approximately, were on duty or  
26 rather were recorded in the Pilotage Log?

27 A. About 75, 76.

28 Q. So you were 14 out of 75 or 76 not  
29 wanting to stop work?

30 A. Well that is to say that perhaps







1 French

2 there were others. I don't know what number exactly,  
3 but perhaps there were others. Everything happened  
4 so quickly and naturally we couldn't collect more  
5 signatures.

6 Q. Mr. Latulippe, we have heard Mr.  
7 Barras' evidence when we held a hearing last July.  
8 Was Mr. Barras also a signatory to that telegram?

9 A. Yes.

10 Q. I think he mentioned it in his  
11 evidence, my lord. Subsequently, following a visit  
12 by one of the administrators, did you get in  
13 touch with the Corporation of the Lower St. Lawrence  
14 Pilots concerning this work stoppage?

15 A. Yes, I wrote a letter to the Assoc-  
16 iation, to my colleagues telling them the reasons why  
17 I did not share their opinion concerning this general  
18 meeting in Three Rivers.

19 Q. Would you have a copy of that letter  
20 that you have sent?

21 A. Yes, I have it here.

22 MR. JACQUES: May it please the Commission,  
23 I would like to file as Exhibit 641 copy of a letter  
24 addressed by the witness to the Secretary of the  
25 Association of Licensed Pilots dated October 4th 1960.

26 If it please your lordship, I can see to it  
27 that that letter could be translated so as to accommodate  
28 the two Commissioners.

29 THE CHAIRMAN: That is all right. Would  
30 you please read it, then it will already be translated





1 French

2 in English for the record.

3 MR. JACQUES: Thank you my lord.

4

5 ---EXHIBIT NO. 641:

Letter dated October 4th  
1960 addressed by the  
witness to the Secretary  
of the Association of  
Licensed Pilots.

6

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30

MR. JACQUES: Exhibit 641, Levis, October  
4th 1960, Mr. Secretary, Association of Licensed Pilots,  
116 Cote de la Montagne, Quebec:

My dear friend and colleague:

Pursuant to bulletin number 6, I  
notice that the disputes seem to be getting  
worse and that the question is getting to  
be more and more confused. If I understand  
properly, the Federation is for the holding  
of a general meeting. This is more or less  
kind of a sly way of provoking a stoppage  
of work on the refusal to obey, consequently,  
that is a strike.

I would like to mention to you that  
I am against that, and I am not a striker.  
Under the present conditions a stoppage  
of work would be inopportune and indicates  
a lack of maturity. Consequently, I declare  
that I am against such a process as to the  
holding of a general meeting.

Ask the members to answer by mail  
and I am quite convinced that the majority







1 French

2 will answer negatively. Remember that Bill  
3 S3 has not been won by a strike but rather  
4 by the determination to see to it that our  
5 rights were respected and the maintenance  
6 of what has already been acquired by the  
7 older members of our group. The Governor-  
8 in-Council is empowered to abolish the  
9 compulsory dues of pilotage and he can  
10 implement the law for security reasons  
11 and instead of holding a strike I suggest  
12 that the Federation request an investigation  
13 into the situation existing between Montreal  
14 and St. Regis.

15 An economist told me recently that  
16 the idea of a strike is a kind of untimely  
17 gesture. Consequently, don't you think  
18 I am in good company? It seems to me the  
19 question is too vital to sort of commit  
20 the members to such a perilous venture.  
21 Please think again about the gesture you  
22 are going to make once more. I am a dissident  
23 and I do hope everything will take care  
24 of itself for the common good of each and all.

25 THE CHAIRMAN: Mr. Latulippe before you  
26 proceed, I would like to make a comment so that every-  
27 body would be put at ease. We are talking about the  
28 work stoppage or strike. We already have heard evidence  
29 on such matters in other Districts.

30 We are not here in order to sit as a court





1 French

2 to decide about the legal aspect of a strike or stoppage  
3 of work. We are here in order to collect facts. A  
4 stoppage of work or strike, whatever its title is, is  
A2 5 a legendary tool that is used as a last resort. At  
6 times it is prohibited because of the repercussions  
7 that such a stoppage of work might have on society at  
8 large but these things occurred in the past and we  
9 want to know exactly how these things came about and  
10 why they were necessary so that we may find out if  
11 the organization in existence at the present time,  
12 governing the pilots, is adequate or not.

13 Consequently, we must know all the aspects,  
14 all the reasons about it and as I told you, this is  
15 not a phenomenon which is exclusive to the St. Lawrence  
16 pilots, although we are very surprised to see it,  
17 such a stoppage of work throughout the country.

18 I wanted to make these comments so that  
19 everybody will be at ease and so that nobody would  
20 feel guilty when we mention that here. This is a fact.  
21 I want to find out exactly how come such a condition  
22 came about here and elsewhere so I want to make these  
23 comments so as to put everybody at ease.

24 MR. JACQUES: I also believe my lord that  
25 the Commission should know if these work stoppages  
26 were unanimous, and so forth.

27 THE CHAIRMAN: Naturally. All the circum-  
28 stances surrounding them.

29 Q. Mr. Latulippe when in your letter,  
30 Exhibit 641, you use the word "Federation". What type





1 French

2 of federation are you referring to?

3 A. Well the Federation of the St.  
4 Lawrence Pilots which includes the four Districts  
5 of the St. Lawrence.

6 Q. And you say, in the third paragraph  
7 of your letter:

8 "Ask the members to reply by mail".

9 To your knowledge was that request agreed  
10 with?

11 A. This was apparently at the level  
12 of the delegates.

13 Q. So if I understand properly, a  
14 Corporation has a delegate sent to the Federation?

15 A. To the best of my knowledge, yes.

16 Q. And those people were deciding if  
17 a meeting should be held or not? That is according  
18 to the best of your knowledge?

19 A. Yes.

20 Q. Now is that the only written letter  
21 that you have sent to either the Association or  
22 Corporation?

23 A. Yes.

24 Q. Dealing with this matter?

25 A. Yes.

26 THE CHAIRMAN: Concerning the penultimate  
27 question, it has been stated that it was at the level  
28 of the delegates that the decision was made. Unless  
29 there is a general meeting, I don't see how it can be  
30 made otherwise. Unless there was a general communication







1 French

2 by letter with everyone prior to that.

3 MR. JACQUES: This is to the best of the  
4 knowledge of my witness, and I am convinced that my  
5 colleague, Mr. Lalonde, is going to indicate exactly  
6 what type of procedure was followed in order to  
7 convene such a meeting.

8 Q. Mr. Latulippe, still dealing with  
9 this stoppage of work proposed in October 1960, were  
10 you threatened?

11 A. Well threats -- well certain  
12 colleagues were saying that if there were scabs,  
13 certain bouncers could take them out.

14 Q. How did you hear those? Viva voce;  
15 or by letter?

16 A. Viva voce. I wasn't too afraid of  
17 that. So far as I was concerned, to me this was  
18 childish. What I was more afraid of was the fact that  
19 the Department at one time or another might punish  
20 those who did not want to go on strike. This is what  
21 I was afraid of because the Department apparently,  
22 well, likes confusion and whenever there is confusion,  
23 well this leads perhaps to the aims that were envisaged  
24 in Bill S3.

25 Q. Consequently, you were of the opinion  
26 that the Department would not at that time support  
27 the pilots who wanted to work?

28 A. No, for the very good reason that  
29 personally, what I think about it is that the Department  
30 likes this confused idea surrounding the strike because





1 French

2 it was helping them indirectly to sort of implement  
3 what they wanted to do with Bill S3.

4 Q. In order to get back to these  
5 retaliation measures, when were retaliation measures  
6 taken?

7 A. There were some slight difficulties  
8 a couple of times, that is all.

9 Q. What was the source of these  
10 threats, without giving names?

11 A. Well these threats came from dissident  
12 colleagues, or perhaps I was the dissenting one,  
13 but definitely there were certain dissidents somewhere,  
14 from the other group.

15 Q. Were these colleagues officers either  
16 of the Association or the Corporation of the Lower  
17 St. Lawrence Pilots or the Federation?

18 A. No.

19 Q. Thank you.

20

21 CROSS-EXAMINATION BY MR. LALONDE:

22

23 Q. Do you remember Mr. Latulippe  
24 previous to October 1960, or during October 1960 having  
25 received any news bulletins either from the Federation  
26 or from your own Corporation?

27 A. Yes, I remember.

28 Q. And you would have received at that  
29 time a certain number of bulletins. We are not going  
30 to try and find out how many of these bulletins you







1 French

2 received but these bulletins, at any rate gave you  
3 an idea or informed you about the development of  
4 this situation?

5 A. Yes.

6 Q. And these points at that time had  
7 been discussed, if I understand correctly, for many  
8 months previously? Were these things not discussed  
9 during the preceding winter or spring?

10 A. Well naturally many matters had been  
11 discussed. This is true. There are always certain  
12 matters that are discussed but to lead the argument  
13 to a general meeting, I think that there was a certain  
14 period of time that I am not able to pinpoint.

15 Q. The only question I am asking you  
16 is that all the matters stemming from this conflict  
17 had been discussed during all that year?

18 A. Yes.

19 Q. And I think that all this matter  
20 had been discussed during the preceding January during  
21 the annual meeting. For example, you mentioned in  
22 the case of Quebec this matter of the \$65,000?

23 A. Yes, this had been discussed.

24 Q. Now in the letter that has been  
25 read by my colleague, you were talking also about  
26 colleagues from Montreal to Kingston so you were  
27 aware of the problems facing your colleagues?

28 A. Well there was an issue at that  
29 time in that District.

30 Q. And I think that you were aware of





1 French

2 Bill C80 at that time, which had an impact on these  
3 pilots?

4 A. Yes

5 Q. And in the final analysis were you  
6 not also aware that certain questions in conflict  
7 which were before the Department had an influence  
8 on many of these Districts, including yours?

9 A. Yes, I was aware of that.

10 Q. This administrator who met with you  
11 in order to discuss these matters with you did not  
12 make any threats whatsoever?

13 A. Well we discussed the whole problem  
14 quite democratically.

15 Q. And the other colleagues you mentioned  
16 that were talking about strong-arm tactics, and so  
17 forth, at the bottom of it all was not that because  
18 of conversation between pilots in pilotage stations,  
19 or the types of conversations that were current?  
20 You said that this was the kind of childish thing. Is  
21 that not the type of comment made off the cuff?

22 A. No. These comments were excessive.  
23 They were absolutely superfluous in this spirit of  
24 brotherhood, so to speak.

25 Q. Did you take these comments seriously?

26 A. Well I didn't take the people making  
27 these comments seriously.

28 Q. Did you have any reason to believe  
29 that these comments should be taken seriously?

30 A. Well one never knows, of course.





1 French

2 It all depends. Sometimes people get sort of too  
3 enthusiastic and certain disagreeable things may  
4 happen at one time or another.

5 Q. Now was there a stoppage of work  
6 in 1960?

7 A. No.

8 Q. So finally you won your point didn't  
9 you?

10 A. Well we had to start with you later  
11 on because at that time it seems that the whole  
12 matter was not settled. It was only starting as a  
13 matter of fact.

14 Q. But in 1960 there was no strike  
15 or stoppage of work?

16 A. No, because the Department of  
17 Transport was increasing the confusion constantly.

18 Q. Could you please elaborate concerning  
19 the confusion of the Department of Transport?

20 A. Well I would have so many things  
21 to say against these gentlemen, because for two years  
22 I was an administrator and I had to deal with these  
23 people, and frankly I didn't keep a very good souvenir  
24 of these persons.

25 Q. Thank you.

26 -

27 -







/RPS

1 English

2 CROSS-EXAMINATION BY MR. MASON:

3 Q. In your letter you referred to  
4 Bulletin No. 6 received from the Federation; is that  
5 correct?

6 A. It must be correct if it is in  
7 my letter.

8 Q. Would you have a copy of that  
9 bulletin with you?

10 A. I don't know.

11 Q. Do you remember what this bulletin  
12 said?

13 A. Exactly I don't remember, exactly  
14 what it said.

15 MR. MASON: Thank you.

16 MR. BRISSET: My lord, could I ask at  
17 this stage that the Commission ask the production of  
18 Bulletin No. 6 or any other bulletin which has any  
19 connection with the work stoppage proposed in October  
20 1960. It has been referred to, one of these bulletins  
21 in Exhibit 641.

French 22 (Through the Interpreter.)

23

24 CONTINUATION OF CROSS-EXAMINATION BY MR. LALONDE:

25 MR. LALONDE: My lord, I am ready to  
26 co-operate fully with the Commission, but I think  
27 it is very disagreeable to have to show the proof  
28 of separate items like this every time a witness is brought  
29 forward in front of the Commission, to do that  
30 day after day. We weren't ready to do these things





1 French

2 in July. We haven't been able to do so and we will  
3 not be able to now present all the evidence for another  
4 number of weeks. Personally as I said I am ready to  
5 co-operate with the Commission but I don't see the  
6 necessity of the production of such bulletins.

7 THE CHAIRMAN: I understand your situation  
8 but I think once it is in evidence -- I don't think  
9 he wants it today. He wants it produced amongst the  
10 evidence. We will keep in mind the request of Mr.  
11 Brisset when you are producing evidence.

12 MR. LALONDE: Personally we will present  
13 that when we will give evidence.

14 THE CHAIRMAN: If you need my permission  
15 you will get it.

16  
17 CROSS-EXAMINATION BY MR. BRISSET:  
18

19 Q. In Exhibit 641 you talk about a  
20 problem which concerns the Districts of Montreal and  
21 Cornwall, do you know what was the problem?

22 A. I think it was the problem of  
23 American ships, and also the problem of the American  
24 ships, and the Department wasn't causing pilotage.

25 Q. There was, I think, a problem of  
26 compulsory pilotage?

27 A. No, no, that wasn't exactly the  
28 point.

29 Q. Did you know that the pilots of the  
30 District were requesting that the pilotage would remain







1 French

2 compulsory, at least payment of dues?

3 A. You mean compulsory for American  
4 ships?

5 Q. Yes. Do you know if the ocean going  
6 ships which were going through that District were  
7 taking pilots on board or not?

8 A. I am under the impression that the  
9 ocean going ships were taking pilots.

10 Q. Do you know, yes or no, if the  
11 Shipowners Federation representing the ocean going  
12 vessels were in favour of the compulsory piloting for  
13 the ocean going ships?

14 A. In that District I think, yes, they  
15 were.

16 Q. And you know that?

17 A. Yes.

18 Q. So the Shipowners Federation were  
19 in support of the pilots?

20 A. Well, yes, but during Bill S3, I  
21 think they could have given more support.

22 Q. Have you followed all the circumstances  
23 around the debates concerning Bill S3?

24 A. Oh yes, from the start to the end.  
25 It was very, very interesting.

26 Q. Do you know that the Shipowners  
27 Federation was one of the parties which was more  
28 against Bill S3?

29 A. Yes, I realize that, but progressively.

30 Q. Would you say now, infact, it is





1 French

2 the Shipowners Federation of Canada which got the  
3 withdrawal of Bill S3?

4 A. Well, it may be so. It may be so,  
5 yes.

6 Q. How do you explain that in spite  
7 of this decision of the Shipowners Federation against  
8 Bill S3 the pilots of the four Districts were willing  
9 to go on strike, a strike which would have affected  
10 ocean going vessels?

11 A. Well, I understand not well the position  
12 of the Shipowners Federation. It wasn't sufficiently  
13 clear. It may be possible that the Shipping Federation  
14 has made a great deal of work in that direction, but  
15 I personally didn't know that.

16 Q. So, in other words you weren't informed  
17 of what the Shipping Federation was doing?

18 A. No, in Ottawa during the debate --  
19 the debate was mostly on lake navigation.

20 Q. What do you know about Bill C80?

21 A. Well, Bill C80, if my memory is  
22 correct, is a bill which was presented by the civil  
23 servants to permit the American ships to do their  
24 own piloting in that District.

25 Q. Myself I don't know what Bill C80  
26 is.

27 A. There may be confusion between C80  
28 and C98.

29 Q. Well, I have to refresh my memory.  
30 I am sorry. Mr. Latulippe, you told us that this work





1 French

2 stoppage proposed in 1960 was only the beginning of  
3 something. To take a shortcut and come to 1962, you  
4 know at the beginning of the season there has been  
5 a work stoppage. Could you tell us the reasons for  
6 that work stoppage, in particular in the Quebec  
7 District? What was at stake here?

8 A. Personally I was under the impression  
9 that we were going on strike, and I was in agreement  
10 with the strike because I wanted that this confusion  
11 that was in the Department of Transport, that this  
12 confusion would cease once and for all.

13 THE CHAIRMAN: I am sorry to interrupt.  
14 My Chief Justice has requested me to be present at  
15 the opening of the Tribunals in a few minutes and now  
16 people are coming back from the Mass. I would ask  
17 Mr. Smith, my colleague, to take the chair. I will  
18 come back as soon as possible.

19 THE ACTING CHAIRMAN: Please be seated,  
20 gentlemen.

21 Q. Mr. Latulippe, to explain why you  
22 were in favour of the strike in 1962 you said, you  
23 mentioned confusion in the Transport Department. Could  
24 you be a little more specific about this confusion?

25 A. The confusion is this, when there  
26 were problems to be solved the solution was postponed.  
27 These problems were set aside. They were not having  
28 responsibility to solve the problems.

29 Q. You say they were set aside. At  
30 what echelon? Here in Quebec there is a Superintendent







1 French

2 in charge of local problems.

3 A. It was at the higher echelon.

4 Q. Do you know if here in Quebec they  
5 have tried to solve the problems?

6 A. Well, yes, certainly. They showed  
7 a very good will, but nothing results.

8 Q. At the higher echelon, you mean  
9 by that the Ministry of Transport itself. Did you  
10 have any opportunity to participate in meetings with  
11 the representatives of the Minister?

12 A. Yes, on a number of occasions.

13 Q. Which were the results?

14 A. The results -- I want to mention  
15 here the fact that in 1958 and 1959 we requested  
16 apprentice pilots, maybe ten or twelve times, and each  
17 time the answer was we study the question and so on.  
18 This is pure red tape, negative red tape.

19 Q. So in your mind the reason why the  
20 pilots of your District joined the strike was to do  
21 away with this confusion?

22 A. At least that was my idea.

23 Q. You had nothing more to win from that  
24 strike. Were you looking for changes in the working  
25 conditions or in the wages?

26 A. No. As far as I was concerned the  
27 only point for the strike was to have that confusion  
28 ceased.

29

30





FURTHER CROSS-EXAMINATION BY MR. LALONDE:

French

Q. You said in answer to the last question of my colleague, you said that you thought the problem and the confusion in the Ministry of Transport was the main question. Do you mean by that there were other questions?

A. Well, there were certainly others. To summarize my thinking, this story of the work stoppage -- I think at that time that there was collusion between the administrators and the civil servants in Ottawa because the civil servants were taking the wrong way around on navigation in the St. Lawrence. They were taking a chance. This didn't happen but they were taking a chance.

Q. Was the question with the Ministry about the reduction of four and a half per cent for the cost of the pilot vessel involved?

A. Well, the Minister said that the Commission in Father Point, and the same in Les Escoumains -- how is it we went backward at that time?

Q. Were you advised of the request by the Ministry to have part of your income to pay for the pilot vessel?

A. Yes.

Q. Was it not one of the factors which was faced during the negotiations about work stoppage in 1962?

A. Yes, it was one of the elements, but







1 French

2 in my mind, I think that before making any change they  
3 should have been advised by the administrators and  
4 I think the first thing was to be there -- not to be  
5 very sensitive and to watch what the civil servants  
6 in Ottawa were doing.

7  
8 MR. BRISSET: You mentioned the payment  
9 for the operation of the pilot vessel in Les Escoumains,  
10 that money which was to be given by the pilots. Do  
11 you remember that the Shipping Federation thought that  
12 this system was very stupid, as you said, and that  
13 they were against this charge to be paid by the pilots  
14 plus the charge to be paid by the shipowners?

15 THE WITNESS: I understand that the shipowners  
16 weren't in favour of paying \$20 for the boarding of  
17 pilots. I wasn't myself there at that time and I  
18 didn't follow it very closely except in the bulletins  
19 I was receiving.

20 MR. BRISSET: So you say that you did know that  
21 the shipowners were also against this charge?

22 THE WITNESS: Well, I . . .

23 MR. LALONDE: I must confess my ignorance  
24 also in that regard. I hope my friend will bring  
25 evidence later on to the effect that the pilots were  
26 advised of the position of the Shipping Federation  
27 to that charge.

28 MR. BRISSET: I think I have the answer  
29 to my question. The witness doesn't know.  
30

B2  
English





1 French (THROUGH THE INTERPRETER.)

2  
3 Q. Mr. Latulippe, one question: my  
4 learned colleague, Mr. Brisset, asked you if you were  
5 informed of the debates around Bill S3. You yourself  
6 were an administrator at the time?

7 A. Yes.

8 Q. So you were following the debates  
9 and the negotiations?

10 A. Yes, very closely.

ish 11  
12 RE-DIRECT EXAMINATION BY MR. JACQUES:

13  
14 Q. Mr. Latulippe, in 1960 at the same  
15 time of the proposed stoppage of work were you promised  
16 anything by the shipowners or the Shipping Federation  
17 to take a stand against the stoppage of work?

18 A. No. I don't recall anything of that  
19 myself, no.

20 Q. Was that stand taken of your own  
21 free will?

22 A. Oh yes.

23 Q. When you were a director of the  
24 Pilots' Association I imagine that you had occasion  
25 to discuss problems with the Pilotage Authority?

26 A. Absolutely.

27 Q. Would you tell the Commission the  
28 procedure which was followed when you . . .

29 THE ACTING CHAIRMAN: Excuse me a minute.  
30 Do I understand your question to mean that this pilot





1 English

2 had contact, communication with the Minister?

3 MR. JACQUES: No, I said the Pilotage  
4 Authority or its employees.

5 THE ACTING CHAIRMAN: Or its employees.

6 MR. JACQUES: In the word Pilotage Authority  
7 I include the Supervisor and the staff in Ottawa.

8 THE ACTING CHAIRMAN: Yes.

9 Q.. What procedure was followed to  
10 discuss these problems?

11 A. Well, the Committee met with the  
12 Minister's representatives from Ottawa on such dates  
13 and we discussed it.

14 Q. Did you go to Ottawa or did the  
15 representatives of the Minister come to Quebec?

16 A. Oh, sometimes we had to go to Ottawa,  
17 but I remember one time they had to come down.

18 Q. Why?

19 A. Why -- because they were told so.

20 Q. By whom?

21 A. By whom?

22 Q. If you know.

23 A. Representation was made by, I think  
24 eight members of Parliament who are the direct  
25 representatives of the people, and they told them to  
26 come down and settle the problem.

27 Q. So, am I right in assuming that the  
28 pilots of the Pilots' Committee or the directors, I  
29 don't know which, got in touch with members of  
30 Parliament of the Province?







1 English

2 A. That was the last means of conviction  
3 we had to use.

4 Q. When did that happen, do you recall?

5 A. Oh, it was 1959.

6 Q. In 1959. Do you recall the nature  
7 of the problem which arose then?

8 A. It was about apprenticeship.

9 Q. It was about apprenticeship?

10 A. Exactly. The Department wanted to  
11 eliminate the list of apprenticeship. We objected.  
12 Second we wanted to have more apprentices and they  
13 refused. We wanted to have more pilots and they still  
14 refused and that is why we asked them M.P.'s to  
15 interfere in our favour to get what we want with the  
16 Pilotage.

17 Q. To the best of your recollection is  
18 that the only time members of Parliament were requested  
19 to intervene in Pilots' affairs since you have been  
20 a pilot?

21 A. No, I don't think so, so far as I  
22 think it has a tendency to go away, this matter.  
23 At the same time we see that the civil servants are  
24 taking more authority, and it is not always for the  
25 benefit of the Nation.

26 Q. The tendency to have the M.P.'s  
27 intervene is gradually disappearing; is that what you  
28 mean?

29 A. It seems to be.

30 Q. It seems to be?





1 English

2 A. Yes.

3 Q. Now, based on your experience as an  
4 administrator of pilotage, as a director, are you of  
5 the opinion that intervention by members of Parliament  
6 into pilots' affairs is a good thing?

7 A. To a certain extent it is a good  
8 thing because they are the direct representatives of  
9 the people, and they should do so.

10 Q. You mentioned as a cause of confusion  
11 the several requests which you had made for apprentices.  
12 Was that when you were a director?

13 A. That is correct, sir.

14 Q. Apart from this example, were there  
15 any other problems which arose in that period?

16 A. Yes, there was the problem of the  
17 removal of the Pilotage Station, and also there was the  
18 problem of what they said -- the Pilotage Office at  
19 Quebec, they wanted to demolish the Pilotage Office  
20 in order to build another one, and I mention this now,  
21 at that time we wanted to have at least eighteen beds,  
22 I mean a dormitory of eighteen beds to be included,  
23 and they agreed at that time.

24 Q. Now, again, based on your experience  
25 as a director what has been or what was then the  
26 authority of the Supervisor in fact? In fact, what  
27 did he do?

28 A. Well, I would say that he was  
29 settling the affairs, the internal affairs of the  
30 administration, if you want, Quebec and Montreal and







1 English

2 Below, and he was also the intermediary between the  
3 high ranks at Ottawa and down here.

4 Q. You say he was an intermediary  
5 between Ottawa and down here?

6 A. Yes.

7 Q. When you had problems to discuss  
8 with the Department in Ottawa did you first go through  
9 the Supervisor in Quebec?

10 A. In many cases, I would say most of  
11 the time, most of the time we used to mention the  
12 problems to him, to a certain extent, as far as it  
13 was under his jurisdiction.

14 Q. Was it mentioned to him with the  
15 idea that he should convey to Ottawa the nature of the  
16 problem which had arisen?

17 A. No, I think he was doing his best  
18 duty, as far as he was concerned, his responsibility  
19 himself, he was doing his best.

20 Q. I have nothing against Mr. Hamel.  
21 I am trying to determine from you during your stage  
22 as a director what purpose there was in the Supervisor,  
23 what was he doing there, apart from this internal  
24 administration?

25 A. He was the representative of the  
26 Authority, and conducting to the best of his ability  
27 the disciplinary measures, and of course the good order  
28 and maintaining the situation in the proper way.

29 MR. JACQUES: Thank you very much, sir.

30 THE ACTING CHAIRMAN: Any other questions





1 English

2 of the witness?

3 MR. JACQUES: Thank you, sir.

4 THE ACTING CHAIRMAN: Gentlemen, we will  
5 take a ten minute recess.

6  
7 ---A SHORT RECESS.  
8  
9  
10  
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30





French

1 ---FOLLOWING THE RECESS:

2  
3 JOSEPH ALEXIS GAUTHIER, Sworn

4 DIRECT EXAMINATION BY MR. JACQUES:

5  
6 Q. Mr. Gauthier could you give us your  
7 full name?

8 A. Joseph Alexis Gauthier.

9 Q. How old are you?

10 A. 59.

11 Q. And you are a pilot. Where?

12 A. Quebec and Three Rivers. For 28  
13 years I have been a pilot.

14 Q. Always in the same District? Before  
15 you were doing Montreal and Quebec. Now Mr. Gauthier  
16 I think you can give some information to the Commission  
17 on the problem which has been raised at the preceding  
18 sittings. That is the berthing of a ship coming down  
19 from Montreal into the St. Charles River Basin. Could  
20 you speak much louder?

21 A. I was never there with large boats  
22 during my time.

23 Q. You never entered into the St. Charles  
24 River Basin with high tonnage at high tide?

25 A. Because it is dangerous. There is  
26 too much current.

27 Q. Speak louder please.

28 A. At high tide the currents are  
29 dangerous when the ship enters the basin.

30 Q. Now you spoke about high tonnage ships.







1 French

2 Could you give us a figure?

3 A. Ten thousand tons.

4 Q. Net, gross or dead weight?

5 A. Net.

6 Q. Ten thousand tons gross?

7 A. Ten thousand tons gross.

8 Q. Now do you dock smaller ships?

9 A. Yes, it happens.

10 Q. Now did you always follow that  
11 practice?

12 A. Yes. I never docked large boats  
13 at high tide.

14 Q. Now are there any larger boats more  
15 than ten thousand tons which dock at high tide into  
16 the basin?

17 A. Yes, it may be so.

18 Q. Now you said that it was dangerous  
19 to bring a ship into the basin at high tide. You talked  
20 about the current around the jetty and into the river.  
21 Now could you give us the direction and the speed of  
22 such current?

23 A. It could be five knots. With very  
24 high tide the current goes against the wharf and goes  
25 into the river.

26 Q. So it turns around the Island of Orleans  
27 and enters the basin. Now, does the current cut across  
28 the entrance of the basin?

29 A. No, it is a cross current.

30 Q. Mr. Gauthier I am showing you here





1 French

2 the chart, 1231, Exhibit 442. Could you show us with  
3 a red arrow on this exhibit the direction of the upstream  
4 current at the entrance of the river basin? Give us  
5 the two directions. Why is it dangerous?

6 A. Because the current strikes against  
7 the breakwater here (indicating).

8 Q. Just a moment. When you go down from  
9 Montreal, when you are coming from Montreal you show  
10 on the map that you turned in front of the breakwater  
11 on the left and you enter the basin and the arrow that  
12 you show shows that the current is on the right side  
13 of your ship. What is the effect of the current?

14 A. Well it goes this way (indicating).

15 Q. Tell us?

16 A. It pushes you against the breakwater.  
17 Against shed 25 and 27.

18 Q. And what about the wind?

19 A. Yes, east wind affects this manoeuvre.

20 Q. Is there an east wind?

21 A. The east wind makes it more difficult.

22 Q. And the west wind, does that make  
23 it easier?

24 A. Well yes. They push the boats from  
25 the breakwater.

26 Q. So it is less dangerous. Now do you  
27 have the help of tugs when you enter the basin?

28 A. Yes, nearly always.

29 Q. And the tugs, are they not efficient  
30 in such cases?







1 French

2 A. Well a ship loaded, with a high load,  
3 the tugs do not help us very much in such circumstances.

4 Q. Now did you have any experience of  
5 docking ships coming from Montreal and berthing into  
6 piers 25 and 27?

7 A. No, not at high tide but I have done  
8 at low tide but at high tide, no.

9 Q. So you never docked at high tide,  
10 rising tide?

11 A. No. I never did it because of the  
12 current.

13 Q. Why?

14 A. Because the current pushes you against  
15 the wharf.

16 Q. So the rising tide current throws  
17 you against the wharf. Now give us a nice big red  
18 arrow on this chart which is now 1321. Are you helped  
19 by tugs when you are berthing ships into piers 25 and  
20 27?

21 A. Yes, very often.

22 Q. And when you are on rising tide are  
23 the tugs not able to keep the boat away from the wharf?

24 A. No, I don't think so.

25 Q. Now can you dock smaller ships  
26 in berth 25 and 27?

27 A. No. I never did it on the rising  
28 tide.

29 Q. Did other pilots do it?

30 A. Maybe. I don't know.





1 French

2 Q. When you dock at pier 25 and 26  
3 downstream from Montreal are you forced to turn your  
4 ship entirely and to dock it ~~pro~~ pointing towards  
5 Montreal?

6 A. 25 and 26. We never go and dock  
7 there upstream.

8 Q. Thank you.

English 9 THE ACTING CHAIRMAN: Now Mr. Gauthier  
10 I would like to ask you a question. Do you think it  
11 is just as important, from the standpoint of safety  
12 in navigation, to have docking pilots in Quebec the  
13 same as they have in Montreal?

14 THE WITNESS: Docking pilots you mean?

15 THE ACTING CHAIRMAN: Docking pilots.

16 THE WITNESS: Do you mean having a docking  
17 pilot at Quebec the same as they have at Montreal?

18 THE ACTING CHAIRMAN: Yes. Do you think  
19 it is just as important to have them here as it is to  
20 have them in Montreal?

21 THE WITNESS: No, not to my point. No sir.  
22 I would rather stay the way it is now.

23 THE ACTING CHAIRMAN: The present policy?

24 THE WITNESS: Yes sir.

25 THE ACTING CHAIRMAN: I don't know exactly  
26 what you mean by that. The present policy of having  
27 pilots in Montreal? What about Quebec?

28 MR. JACQUES: Sir the witness will reply  
29 in French and you will receive the translation, because  
30 he is not able to explain fully his thoughts in English.





English

THE ACTING CHAIRMAN: All right.

(THROUGH THE INTERPRETER.)

THE WITNESS: I never thought about that at any length, that we should have some pilots from the Quebec Harbour. That has always been the procedure followed, as being the one using Quebec pilots, Quebec Harbour pilots. I think this should go on.

MR. JACQUES: Mr. Smith's question was the following: Do you think that it is as important for Quebec to have special pilots, in order to dock ships, as it would be in Montreal so far as the safety of ships is concerned, and the port installations are concerned?

A. I understood the question and I think that up until now the work has been done quite safely, as well as any other harbour. This is my own personal opinion.

THE ACTING CHAIRMAN: Do I understand from that that you mean the largest ships which are coming in are going to be required to have special pilots brought here for safety purposes? On account of the construction of the larger ships coming here or is it for some other reason?

(THROUGH THE INTERPRETER.)

THE WITNESS: Well we all have the necessary class as pilots to dock all types of ships. We followed the kind of apprenticeship system which enabled us to dock such ships.







French

CROSS-EXAMINATION BY MR. LALONDE:

Q. Concerning this last question Mr. Gauthier, am I to understand that you are giving evidence concerning the usefulness of the harbour pilot for ships going downstream from Montreal to Quebec. Is that it?

A. Yes.

Q. Will you state that you are not in a position to testify -- keep your microphone please -- would you state then that you are not in a position to testify concerning the pertinency of having harbour pilots for ships going upstream, for pilots of the Quebec District ?

A. No, I am not in a position to testify about that.

Q. And if I understand correctly, this is not a question that you have pondered sufficiently?

A. I cannot answer that question.

Q. You have been a pilot for how many years?

A. Well ever since 1935.

Q. So 28 years. Did you ever have any trouble with ships' masters concerning this policy concerning docking of ships in the St. Charles River at piers 25 and 26?

A. No. I have never had any for the past 28 years.

Q. The ships' masters were always in





1 agreement with you?

2 A. Yes.

3 Q. I don't know if you have read, or  
4 were informed about the evidence which was given by  
5 a Quebec agent, Mr. Brodie on that matter. Did agents  
6 ever give you their opinion on this matter?

7 A. No.

8 Q. Did the ships' masters ever tell you  
9 that they would have preferred for you to dock upstream?

10 A. No, not that I can remember.

11 Q. Now the practice that you have followed  
12 for the past 20 years in the field of pilotage, is  
13 that a practice which is followed by the pilots of  
14 your District as a whole?

15 A. Yes.

16 Q. This is a practice that has been in  
17 existence now quite a while?

18 A. To my own knowledge ever since I have  
19 been a pilot. For the past 28 years and 6 years as  
20 an apprentice.

21 Q. So this is the opinion of the pilots  
22 in your District, if I understand properly, to the  
23 effect that it would be dangerous to dock ships at the  
24 rising tide in such cases?

25 A. Yes.

26 Q. Thank you Mr. Gauthier.

27

28 CROSS-EXAMINATION BY MR. BRISSET:

29 Q. Mr. Gauthier when you were a pilot

30







1 French

2 between Montreal and Quebec, that is before the District  
3 was divided up, you were docking ships at Montreal?

4 A. Yes.

5 Q. So you are cognizant of the situation  
6 in Montreal?

7 A. Yes.

8 Q. Is it not true that the situation  
9 in Montreal is different from that of Quebec because  
10 in Quebec you have what we call, in English, the  
11 "open berth" while in Montreal it is not always the  
12 case?

13 A. Could you please repeat your question?

14 Q. Is it not true that the situation in  
15 Montreal is different from that of Quebec concerning  
16 the docking of ships because in Quebec you have what  
C2 17 we call, in English, the open berth while in Montreal  
18 it is not always the case. Is that true?

19 A. Yes.

20 Q. So it is for this reason, I suppose,  
21 that in Montreal it is more important to have a docking  
22 pilot in the berth?

23 A. The currents are the same in Montreal  
24 while in Quebec they change at rising tide or ebbing  
25 tide.

26 Q. So in your years of apprenticeship,  
27 before you before a pilot, you had to dock ships in  
28 Quebec?

29 A. At both places. In all harbours  
30 from Quebec to Montreal.





1 French

2 Q. You talked about shed 25 and 26.

3 I understand that in the wharf there is a type of  
4 elbow, as it were?

5 A. Well only since the past three years.

6 Q. Do you think this situation could  
7 be improved if that elbow could be taken off, concerning  
8 the safety of ships?

9 A. Perhaps we could go to shed 26, if  
10 the wharf was straight by going to the 18 pier, so we  
11 could moor at the 18 and then afterwards go to 26 at  
12 rising tide. This would be the only solution.

13 RE-CROSS-EXAMINATION BY MR. LALONDE:

14 MR. LALONDE: Mr. Gauthier, my colleague  
15 mentioned the fact that in Quebec the situation would  
16 be different from that in Montreal because there would  
17 not be, in Quebec, any open berths. Are there not  
18 any open berths in Quebec such as in the closed berth,  
19 for example the Princess Louise, so you have the two  
20 types in Quebec?

21 THE WITNESS: Yes.

22 Q. Just like in Montreal then?

23 A. The locks . . .

24 Q. My question is the following:  
25 There are not locks just like in the Montreal Harbour?

26 A. No, not like in the Montreal Harbour.

27 Q. So the only question I was asking  
28 is the following: In Quebec is it just like in  
29 Montreal? Are there not open berths and closed berths  
30 in the Port of Montreal, because in the Montreal Harbour --





1 French

2 A. In Quebec we have basins added to  
3 those.

English 4 THE ACTING CHAIRMAN: Mr. Lalonde, do I  
5 understand the difference between the open berth and  
6 the other type of berth is one is a marginal wharf  
7 and the other is a finger pier. Is that what the  
8 difference is?

9 MR. LALONDE: Yes, Mr. Commissioner. I  
10 just want to draw the attention of the Commission to  
11 this Exhibit 447, Quebec Harbour where there are finger  
12 piers at Lauzon and also in the Princess Louise Basin.  
13 At least at Lauzon anyway.

French 14  
15 RE-DIRECT EXAMINATION BY MR. JACQUES:

16 Q. You have stated that all pilots  
17 were of the opinion of not docking ships going downstream  
18 from Montreal on the rising tide?

19 A. Yes.

20 Q. In the basin of the St. Charles River  
21 or at shed 25 and 26?

22 A. Yes.

23 Q. You say that this is the opinion of  
24 all the pilots. How could you be sure of getting the  
25 opinion of all pilots?

26 A. Well, ever since I have been a pilot,  
27 to all of those I have discussed this problem with,  
28 we finally reached all the same conclusion.

29 Q. Now to your own knowledge were there  
30 meetings of pilots held in order to discuss this problem







1 French

2 or this matter?

3 A. Well I cannot answer that question  
4 because I am not sure.

5 Q. Well according to the best of your  
6 recollection do you think that the Pilotage Authority,  
7 or the shipowners would have already asked you your  
8 opinion about that matter?

9 A. No, never the shipowners. The ships'  
10 masters at times have.

11 Q. Now do you think the Pilotage Authority,  
12 the Superintendent of the Department at Ottawa would  
13 have asked you for your opinion on this matter?

14 A. No.

15 Q. Never?

16 A. Not that I can recall.

17 Q. Thank you.

18 THE ACTING CHAIRMAN: Any other questions  
19 of this witness?

20 MR. JOSEPH ARTHUR MAHEUX, Sworn

21  
22 DIRECT EXAMINATION BY MR. JACQUES:

23 Q. Mr. Maheux please sit down. Could  
24 you please state your full name?

25 A. Joseph Arthur.

26 Q. And your age?

27 A. I am 52 years old.

28 Q. Would you like to give evidence in  
29 French or English?

30 A. I would like to give my evidence in





1 French

2 French.

3 Q. What is your occupation?

4 A. I am a civil servant.

5 Q. Where?

6 A. At the Pilotage Office in Quebec.

7 Q. And what is your position?

8 A. At the present time I am interim  
9 Superintendent of Pilots.

10 Q. Ever since when?

11 A. Since May 1st of this year but I  
12 occupied that position before.

13 Q. And previous to May 1st what were  
14 your functions?

15 A. Well I was the chief clerk in signals.

16 Q. Since when?

17 A. Since 1958.

18 Q. And before 1958 what was your position?

19 A. Well I was chief dispatcher.

20 Q. You were chief dispatcher for how  
21 long?

22 A. To give you an accurate figure, about  
23 15 years.

24 Q. So all in all for how many years have  
25 you been working for the Pilotage Office here in  
26 Quebec?

27 A. I started in 1939 as a stenographer  
28 and then later on I occupied every possible position  
29 existing in the office. Ever since 1929, rather.  
30 Correction, not 1939 but 1929.







1 French

2 Q. Mr. Maheux I would like to show you  
3 a document entitled "Regulations for Dispatching,  
4 Pilotage District of Quebec, Escoumains" dated May 9th  
5 1962. Could you please read or look at this document  
6 and tell me if those are the regulations implemented  
7 at the present time?

8 A. Yes.

9 MR. JACQUES: I would like to file this  
10 document as Exhibit 642.

11  
12 ---EXHIBIT NO. 642:

Regulations for Dispatching  
Pilotage District of  
Quebec and Escoumains dated  
May 9th 1962.

English 13  
14  
15 MR. JACQUES: If the members of the  
16 Commission wish, it could be read into the record and  
17 translated as we go along.

18 THE ACTING CHAIRMAN: Is it very lengthy?

19 MR. JACQUES: Nine pages sir.

20 THE ACTING CHAIRMAN: I don't think it  
21 should be read into the record. It is too long isn't  
22 it?

23 MR. JACQUES: Very well sir.

French 24 (THROUGH THE INTERPRETER.)

25 Q. Now Mr. Gauthier as regards Exhibit  
26 642, could you please explain to the Commission how  
27 the dispatching is done at your office?

28 A. Well dispatching is done according  
29 to these regulations.

30 Q. Could you please sum them up?





1 French

2 A. Well sum them up -- ?

3 Q. What happens in the morning as soon  
4 as you get to the office?

5 A. Well first of all a list is established  
6 according to the number of trips that are made by the  
7 pilots in the course of the season. For example at  
8 the beginning of the navigation season, let us say around  
9 April 15th, which is the first day of the current year,  
10 all the pilots start at zero, taking into account the  
11 preceding year, so the turns of the preceding year,  
12 that is the pilot who finished the last turn is zero  
13 at the beginning.

14 Q. So you take the last list of the  
15 assignment list of the preceding season to start the  
16 new season?

17 A. Well naturally this list is enforced  
18 for the whole year, always taking into account the  
19 number of trips accomplished by all the pilots.

20 Q. Every morning now what do you do  
21 with your assignment list?

22 A. Well in the first place we record  
23 the turns that have been accomplished since the  
24 preceding day, and we adjust the names of the pilots  
25 according to these regulations which state that the  
26 first five ones should not change places in the Quebec  
27 District, at any rate, so we equalize the bottom one  
28 on the list and he becomes sixth or seventh, and so  
29 forth.  
30





PB/RPS

1 French

2 Q. So you have five, the first one on the  
3 list and for the others -- you put sixth the one who  
4 has the least number of turns and the seventh following  
5 and so forth. Do you do it every day?

6 A. Yes.

7 Q. At what time of day do you do that?

8 A. Well, in the morning at nine o'clock.

9 Q. Nine o'clock in the morning. Are  
10 there any special regulations for pilots who reach  
11 Quebec very early in the morning, say six or seven  
12 o'clock in the morning?

13 A. Well, the list is established every  
14 morning, and those who get there after the list has  
15 been prepared are put on another list, independent  
16 list, which will be used in order to establish the  
17 list the following morning. The pilot was arrives at  
18 six, seven o'clock in the morning or even up to midnight,  
19 if he feels tired, he can ask his turn be equalized  
20 the following day, not the same day.

21 Q. Does this happen often that you have  
22 such requests from the pilots?

23 A. Yes, often enough, but this is allowed  
24 in the By-Laws.

25 Q. To your knowledge ever since you have  
26 been in the pilotage field, were there any criticisms  
27 against this system of assignment lists in Quebec?

28 A. No. It is normal we have some  
29 criticism.

30 Q. What was the nature of such criticism?







1 French

2 A. Well, it may happen that there are  
3 a few mistakes or a few errors. I don't think anybody  
4 is infallible. It is quite permissible to make errors.  
5 If there are errors and there are some claims and if  
6 the person is right we put the name back where it should  
7 be on the list.

8 Q. Do you think that pilots at any  
9 time have criticized the system being followed here in  
10 Quebec?

11 A. No, I don't think so.

12 Q. Now, these By-Laws, Exhibit 642, were  
13 they prepared in your office by yourself or those  
14 who are taking care of the Pilotage Authority?

15 A. The first By-Laws, because every year  
16 they have a little more, at any rate, the list is  
17 revised.

18 Q. I am not talking about the list.

19 A. I am talking about the list of By-Laws.  
20 These By-Laws are revised. The first list of By-Laws  
21 or regulations was prepared in our office and the  
22 Superintendent Mr. Hamel, myself and Mr. Charette,  
23 who is the chief dispatcher, and pilots. We discuss  
24 regularly in order to have written regulations which  
25 could be used as a basis for administration.

26 Q. Now, do you think that the first  
27 version of these regulations was based on the preceding  
28 experience or what was being done previously?

29 A. Yes, and based upon the regulations  
30 By-Law that we had, but which in certain cases left a





1 French

2 certain margin of time.

3 Q. You said that you would revise this  
4 list of regulations every year?

5 A. Well, this year I didn't no, but at  
6 any rate we met with the pilots and we discussed these  
7 regulations to find out if certain amendments would  
8 be necessary.

9 Q. So every year there would be a meeting  
10 between your office and the pilots in order to discuss  
11 this list of regulations. You spoke about turns and  
12 trips in Montreal, and we have heard about half turns.  
13 Could you please explain to us what a half turn is?

14 A. A half turn is given for a fraction  
15 of a trip. In the case of Quebec, or it could happen  
16 in Montreal -- let us say a pilot doesn't reach his  
17 destination, doesn't make a complete trip.

18 Q. Could you give us an example?

19 A. Suppose a ship leaves Quebec and  
20 at a given time orders are changed and he went only to  
21 Saint Jean Isle and he comes back because for particular  
22 reasons -- he may have come back because of engine  
23 troubles and so forth, in that case he has half a turn  
24 for going and half a turn for coming back. Naturally  
25 there are certain limitations for loading, certain  
26 rates.

27 Q. We are not talking about rates.

28 A. Concerning turns -- I must talk about  
29 rates in order to speak about turns because turns are  
30 granted according to the rate. There are certain







1 French

2 boundaries, the Pilotage District is divided in three.  
3 If the pilot remains within one-third of the Pilotage  
4 District and he goes a little beyond that one-third  
5 we charge that to the companies, the pilot asks for  
6 a turn.

7 Q. You said it is divided in three?

8 A. Yes, for purposes of rates.

9 Q. That is for the Quebec and Les  
10 Escoumains Districts. Do you know the boundaries of  
11 these divisions?

12 A. Well, by heart, no, but perhaps I  
13 could give you an approximate idea I think it is Cap  
14 Des Oies, the entrance of the Saguenay and Father Point.

15 Q. So, a ship who didn't reach Cap  
16 Des Oies would be charged one-half of the trip and  
17 if it gets back to Quebec there would be charged another  
18 half turn. The pilot is entitled to one half a turn  
19 to go and one half turn to get back?

20 A. Yes.

21 Q. If he goes beyond Cap Des Oies the  
22 shipowner will be charged two-thirds to go and two-thirds  
23 to come back and the pilot will get one turn or half  
24 a turn?

25 A. One turn if he goes beyond one-third.  
26 Then he is allotted one turn.

27 Q. A ship that goes to Bagotville,  
28 Port Alfred.

29 A. If it leaves Quebec the pilot is  
30 entitled to one and one half turns.





1 French

2 Q. Why?

3 A. Because the distance is longer and  
4 it has been decided by the Pilotage Authorities, ourselves  
5 and the pilots themselves, so we will have decided to  
6 allow half and a turn. That is if he went to Port  
7 Alfred from Quebec to go to Chicoutimi.

8 Q. If he leaves from Port Alfred or  
9 Chicoutimi in order to get back to Quebec he is entitled  
10 to how many turns?

11 A. Well, one turn and a half.

12 Q. The Commission is aware that there are  
13 different classes of pilots. How do you take into  
14 account the classes of pilots in your assignment list?

15 A. In our assignment list we don't take  
16 into account the class of pilot in order to establish  
17 the list. A pilot of class A is always taken according  
18 to the number of ships piloted in class A, so the  
19 one who has the least number of turns is going to be  
20 taken off the list in order to be kept available for  
21 a ship of class A, always according to regulations. That  
22 is 10 hours prior to the departure of the ship from  
23 Quebec.

24 Q. So you have an assignment list with  
25 the name of all the pilots independently of their  
26 classification. If you wait for a ship of class A you  
27 take the one who has the least number of turns in class  
28 A and you set him aside and then he waits for the ship  
29 of class A and he will be the first to board that ship,  
30 so he is taken away entirely from the assignment list.







1 French

2 A. That is 10 hours, approximately, prior  
3 to his boarding the ship.

4 Q. It is at that time that you strike  
5 off his name from the list. What about other classes  
6 of pilots, do you take them into account?

7 A. Well, certainly. There is still  
8 the one on the list according to the different depart-  
9 ures that occurred before their turn, and when their  
10 turn comes if there is a ship on which they couldn't  
11 board they will have to wait for another ship.

12 Q. And the following one on the list  
13 then works the ship?

14 A. Yes.

15 Q. Do you think the pilots can decide  
16 between themselves to change their names on the assign-  
17 ment list?

18 A. Yes, so long as the two parties  
19 are in agreement. By that I mean not to name anyone,  
20 let us say a pilot's name starts with "A" and the other  
21 one starts with "Z", well, they can change their  
22 places on the list. I think there is one marginal  
23 turn. So long as "A" and "Z" are no more than that  
24 they can change.

25 Q. What do you mean by 'marginal turn'?

26 A. One pilot would have one turn less  
27 than another.

28 Q. Then they can change turns?

29 A. Yes. If a pilot is less than two  
30 turns, well no -- not in Quebec at any rate.







1 French

2 Q. Wait a minute. Article 37 of Exhibit  
3 642, a margin of two turns is allotted to change turns,  
4 so this means that the difference between the number  
5 of turns of each of the pilots who want to change should  
6 not exceed two.

7 A. Normally, no.

8 Q. Now, the pilots who are absent --  
9 this happens.

10 A. Yes.

11 Q. Do you keep their names on the assign-  
12 ment list?

13 A. No. Suppose that somebody is on  
14 sick leave. He is 15th on the list. Well, he tells  
15 us he is sick, not to rely upon him at this time. I  
16 am going to write sick next to his name and wait for  
17 his turn to come up. If his turn doesn't come up and  
18 he feels better before his turn comes up then he is  
19 going to take his turn.

20 Q. Now, I am going to show you a photo-  
21 static copy of a document. Could you please give us  
22 its source and what it is.

23 A. This is the assignment list of July  
24 the 24th.

25 Q. I would like to file as Exhibit 643 --  
26 I will have three other documents to file with that  
27 list. I will show you another document which looks  
28 like an assignment list.

29 A. That is the one of the Montreal  
30 District.





1 French

2 Q. And finally a third document.

3 A. This is for the pilots of class A  
4 in the Quebec District, C1 and C2, and also turns of  
D2 5 class A Montreal, C1 and C2.

6 Q. So I would like to file as a bundle  
7 as Exhibit 643 two documents, one the assignment list  
8 for the Quebec Districts and for Montreal District dated  
9 July 24th, 1963.

10  
11 ---EXHIBIT NO. 643:

Assignment lists for the  
Quebec Districts and for  
the Montreal District  
dated July 24th, 1963.

12  
13  
14 Q. Now, Mr. Maheux, I show you Exhibit  
15 643, the left column turns in Quebec, and the one on  
16 the right turns in Three Rivers. Could you please  
17 explain these two columns and the different information,  
18 each name of the pilot, July 24th.

19 A. July 24th, that is the date you asked  
20 me to show. We established our list as usual and we  
21 made copies of it. As you see in the Montreal District . .

22 Q. This first document is a list for  
23 the pilots going from Quebec to Three Rivers, so you  
24 have dispatched all the pilots from Quebec, Les  
25 Escoumains, Quebec, Three Rivers.

26 A. Yes, the Montreal District regulations  
27 change slightly, contrary to Quebec where the five  
28 first ones cannot be touched. In the Montreal District  
29 only the first one on the list cannot be moved. In that  
30 case I think that there were two first in the turns







French

1 due to the fact that Mr. Devillers is C1 or 2 and Mr.  
2 Mongreain is class B. They didn't go on board -- it  
3 all depends what ship gets there first, so there are  
4 two pilots because they are piloting two different  
5 classes and are considered first on the list, and Mr.  
6 Blanchette has been a class 63 and the rest are 64,  
7 65, 66, 67, 68.

8 Q. On the lefthand column these are  
9 pilots for Montreal, Quebec and Three Rivers Districts.  
10 They are sitting waiting for ships coming upstream?

11 A. Yes, and the lefthand column has  
12 been provided to Three Rivers according to the same  
13 regulations enforced in Quebec, according to the same  
14 procedure and they send us a list as soon as it is  
15 prepared or established.

16 Q. Do you send your list to Three  
17 Rivers?

18 A. Yes.

19 Q. Do you send it to Montreal as well?

20 A. Yes, but it is futile for them.

21 Q. Do you send it?

22 A. Yes, it is on the teletype circuit.

23 Q. And the Three Rivers' list as well?

24 A. Yes.

25 Q. At the bottom of these two columns  
26 you have upstream 64, A. Leveille, 8:40. What does  
27 that mean?

28 A. You see he went on board at 8:40 in  
29 the morning and we established that list at 10:00  
30 o'clock in the morning, so that is why. He left at





1 French

2 eight forty upstream.

3 Q. And then you say holidays and the  
4 names of pilots and under the names of pilots Mr. Hamelin  
5 and Mr. Vezine?

6 A. They are set aside, but they are  
7 indicated here.

8 Q. Do you think that they both are  
9 excluded in the assignment list?

10 A. Yes.

11 Q. In the righthand side you see 57.  
12 Lan. Blanchette, sick. Do you insert the name of all  
13 the pilots who are sick in this list?

14 A. Usually, yes. Every day we need  
15 59 names on our list in Quebec District, Montreal and  
16 77 in the District of Quebec, Les Escoumains.

17 Q. On Exhibit 643, the second list do you  
18 have 77 names?

19 A. Well, certainly have 77 names on that  
20 list. I haven't counted them. The one who established  
21 this list has got 77 and the other 59.

22 Q. Now, the second page of Exhibit 643  
23 includes also two columns, one on the left, turns in  
24 Quebec -- these are all the pilots going from what  
25 place to what place?

26 A. From Quebec to Les Escoumains.

27 Q. On the righthand side column  
28 entitled Turns in Les Escoumains.

29 A. These are pilots who leave Les Escoumains  
30 but get on after the list of Escoumains going upstream. All  
those who are out at Les Escoumains or boarded upstream from  
Les Escoumains. It is the case of the first five ones.





1 French

2 Q. Those are all the pilots who were  
3 at Les Escoumains on July 24th or were coming to  
4 Les Escoumains, who had left but hadn't arrived at  
5 Escoumains as yet. Below this you have absent. How  
6 many were absent on July 24th?

7 A. I think it is eighteen -- seventeen.

8 Q. Seventeen were absent on July 24th.  
9 How is permission granted for sick leave or how  
10 can one obtain sick leave?

11 A. In the first place there are those  
12 who report as being sick, and those who ask for sick  
13 leave. Those who say they are sick, what can we do.  
14 They are sick or, at any rate, they are supposed to  
15 be sick. Those who ask for leave, well, usually their  
16 leave is granted.

17 Q. So on July 24th there was 17 pilots  
18 who were absent either on leave, sick leave and some  
19 of these were at the Royal Commission Inquiry. There  
20 are three pilots on leave in Montreal and two who had  
21 been sent to the Royal Commission of Inquiry and the  
22 seventeen pilots from Quebec --- out of those, there  
23 are mentioned the six, the Royal Commission of Inquiry.  
24 And under that 28 AM.

25 A. This means that their leave will end  
26 on the 28th in the morning and automatically their names  
27 will be back on the list.

28 Q. So amongst these seventeen, three of  
29 them will be for the Royal Commission of Inquiry, Mr.  
30 Bedard, Mr. Rousseau and Mr. Barras. How many of them







1 French

2 were sick?

3 A. Well, sick -- that is going a little  
4 far. I don't check if they were sick or not.

5 Q. That is pretended to be sick, at  
6 any rate, but having no proof of their milingering?

7 A. Five pilots.

8 Q. So out of seventeen, three at the  
9 Commission and five sick and nine were absent.

10 A. Well, I don't know in what category  
11 Pilot Gamache should be placed. He was the pilot on  
12 the ~~ROXNAHHEAD~~ who was on sick leave which is the same  
13 the others were on leave.

14 Q. This figure of seventeen pilots  
15 on July 24th, is that an average for every day of the  
16 year?

17 A. No, that isn't the average figure.  
18 The average would be 12.

19 Q. Would be 12 in the course of the year.

20 A. It is difficult to establish. I  
21 never calculated exactly, but it may vary. At any  
22 rate you have two there -- some are sick on regular  
23 basis and their name is not on the list regularly.

24 Q. We can say about 10 or 12 pilots  
25 are absent every day. I am showing you another document.  
26 Can you tell me if that was prepared in your office?  
27 What does that document represent?

28 A. The number of days of absence for  
29 each pilots for the years 1960, 1961 and 1962.

30 MR. JACQUES: I would like to file this





French

document as Exhibit 644 entitled Statement showing number of days of absence for the Quebec District for the years 1960, 1961 and 1962.

THE ACTING CHAIRMAN: 644?

MR. JACQUES: Yes, my lord.

---EXHIBIT NO. 644:

Statement showing number of days of absence for the Quebec District for the years 1960, 1961 and 1962.

Q. Can you tell me where this document, Exhibit 644 was prepared?

A. I think that the Department at Ottawa requested the summing up of all the absences, so this document was prepared and sent to the Department.

Q. You mention the years 1960, '61 and '62. I see a note on page 4 which reads as follows:

"This computation covers period from April

"1st to December 31st. During wintertime.

"Pilots exchange their tours between them."

So this doesn't include January, February and March?

A. No.

Q. Is there a great deal of pilotage going on during those months?

A. Well, yes. Last year I don't know the exact figures about it. I think that the pilots accomplish each two turns. I would say there would be around 150.

Q. As much as that during the three months?







1 French

2 A. Starting from December 15th to January  
3 15th -- during the winter season.

4 Q. This document which is Exhibit 644  
5 gives absences, but without reasons for such absences.  
6 Could you please give us details of the reasons for  
7 absences in this Exhibit 644?

8 A. Well, in the first place -- well,  
9 you have certain details. Details that were put on . . .

10 Q. Would that cover absences for sickness?

11 A. Yes, all types of absences are  
12 included.

13 Q. For example absences of pilots in  
14 1962, for pilots who were at the Royal Commission of  
15 Inquiry?

16 A. No mention is made of that. The  
17 absences are computed . . .

18 Q. What do you mean as being absent?

19 A. A pilot who is at the Royal Commission --  
20 a pilot who is absent, not available to take his turn.

21 Q. This is a list of pilots who weren't  
22 on the assignment list.

23 A. That is to say we had to place the  
24 name -- as I told you previously we establish the  
25 assignment list and we made the necessary 77 pilots.  
26 If a pilot is not available for one reason or another  
27 his name appears on the list, just the same, but he is  
28 not available and he is absent.

29 Q. Does that also include a holiday?

30 A. Yes. I take the name Barras in 1962,





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French

19 days -- if I understand correctly your intentions  
19 times during the year you established the pilot list  
and put Mr. Barras elsewhere than available, whatever  
the reason was for which he was absent?

A. Yes.





/RPS

1 French

2 Q. I am showing you here two documents.  
3 The first one is entitled "Quebec-Escoumains District"  
4 showing number of trips in and out and total for the  
5 year 1960 and the second one is entitled "Quebec-Escoumains  
6 District" showing number of trips in and out and total  
7 for the years 1961 and 1962. Now could you have a look  
8 at those two documents and tell us if they have been  
9 prepared in your office?

10 A. Yes.

English 11 MR. JACQUES: Unfortunately sir I have only  
12 these two documents but at noon I shall have photocopies  
13 made and distribute them to the Commission and to my  
14 learned friends.

15 THE ACTING CHAIRMAN: Thank you.

16 MR. JACQUES: They will be filed as Exhibit  
17 645.

18 THE ACTING CHAIRMAN: There are two aren't  
19 there?

20 MR. JACQUES: Yes sir.

21

22 ---EXHIBIT NO. 645:

23

24

25

26

27

Two documents, the first  
one entitled "Quebec-Escou-  
mains District showing number  
of trips in and out and total  
for the year 1960. The  
second one is entitled "Quebec-  
Escoumains District" showing  
number of trips in and out  
and total for the years 1961  
and 1962.

rench

28 (THROUGH THE INTERPRETER.)

29

30

Q. Now while my learned colleagues are  
looking at the exhibit, I would like to ask you if you







1 French

2 had any difficulties giving pilotage service to the  
3 ships which were asking for it, even when you had  
4 pilots on leave? Were you short pilots?

5 A. Well short of pilots, no. Some had  
6 to take -- to board the other ships quickly without  
7 adequate rest. I would say, well to my knowledge in the  
8 Quebec District, we never were short of pilots.

9 Q. Never?

10 A. Because there were always volunteers  
11 who boarded another ship with very short rest.

12 Q. What do you mean by that?

13 A. Someone coming in in the morning  
14 and taking another ship in the evening is a short rest.  
15 If he docked at twelve and would leave that next morning,  
16 that is a short rest.

17 Q. Does that happen very often?

18 A. It depends on the traffic. It happens  
19 with pilots having to board another ship quickly.

20 Q. Does that happen once a week?

21 A. No.

22 Q. Once a month?

23 A. No. It is very hard to be more  
24 specific. It all depends on the number of people on  
25 leave and all depends on the traffic.

26 Q. Well this year, since the beginning  
27 of the season?

28 A. No, we were never short of pilots.

29 Q. Are there any cases of pilots having  
30 to take another ship immediately after having finished





1      French  
2      a trip?

3                    A.      No, I don't think so. We always  
4      had enough pilots to give them -- well it rarely happened  
5      that a pilot comes in at two in the morning and has to  
6      take another ship at two in the afternoon.

7                    Q.      Did that happen this year?

8                    A.      Well it happened but how many times I  
9      don't know.

10                   Q.      Now for the last two or three years  
11      how many trips does a pilot undertake each week Quebec  
12      to Father Point, Quebec, Port Alfred, complete trip?

13                   A.      I would say three or four trips a  
14      week.

15                   Q.      In all these trips, do you have,  
16      like in Montreal, a pattern, that is like the Montreal  
17      ship leaving on Friday night? Now is there a certain  
18      pattern? Do you have such a thing in Quebec?

19                   A.      No, I don't think ships are leaving  
20      on Friday night as they did before. It happened before  
21      but now they leave at any time. If it is proved that  
22      it existed in Montreal, it existed in Quebec because  
23      they are the same ships.

24                   Q.      So they leave Montreal, they stop in  
25      Quebec?

26                   A.      But I never noticed any departures  
27      on Fridays. Well before, passenger ships would leave  
28      on Friday noon and come in Quebec Friday night, so it  
29      was a big evening each Friday, but I think for a  
30      number of years now these trips, they are spread over







1 French

2 the week. Some passenger ships leave on Tuesday,  
3 Thursday, and I don't think they all leave on Friday.

4 Q. Now let's talk about movages of  
5 ships in the harbour. What policy do you follow?  
6 Do you have a list of turns? How do you establish  
7 such a list?

8 A. Well that list is made -- first we  
9 ask people who want to do movage to give their names  
10 at any time. Well if a pilot thinks that he wants to  
11 do movage, we put his name on the list and as far as  
12 possible we equalize, but there is a big problem  
13 because we cannot equalize as for the turns because  
14 if we have movage to do, if the pilot is not in town  
15 or if he is somewhere else, we cannot take him, and  
16 also the pilot that we request is not available.  
17 Let us say he is available but he is painting his  
18 house or not ready to come so we cannot equalize it;  
19 happens in certain cases that the pilot, that the  
20 pilot that we call can't come but as far as possible  
21 we are trying to equalize the turns for the movages  
22 as for the other trips.

23 Q. But this is a voluntary basis. No  
24 pilot is obliged to do the movage?

25 A. No, because we have volunteers.

26 Q. On that list how many people do you  
27 have this year?

28 A. I don't know.

29 Q. Could you verify at noon how many  
30 volunteers you have this year?





1 French

2 A. Yes, certainly.

3 Q. Now can a pilot change his mind and  
4 decide not to do any movage?

5 A. Well sir --

6  
7 --- (THE CHAIRMAN RESUMES THE CHAIR.)

8  
9 MR. JACQUES: I am sorry, could the steno-  
10 grapher read back the answer of the witness.

11  
12 --- (THE FRENCH REPORTER: The day he decides he doesn't  
13 wish to make any more of them, he has only to say so  
14 and we . . .)

15 THE WITNESS: We just strike his name off  
16 the list.

17 MR. JACQUES: It doesn't seem that this  
18 kind of work is very hard.

19 A. The movage is done on a voluntary  
20 basis by the pilot.

21 Q. Over the years have you always had  
22 enough volunteers for the movages?

23 A. In general, yes. Some come in and  
24 some go out.

25 Q. Do you have a pattern as to the same  
26 names, the same pilots being volunteers? Are they  
27 young or old?

28 A. I have statistics on that. Certainly  
29 both categories of pilots, young and old.

30 Q. Now speaking about movage, you heard





1 French

2 the evidence of Mr. Gauthier this morning and I think  
3 you heard the evidence of Mr. Brodie?

4 A. No, not the evidence of Mr. Brodie.

5 Q. Well here is the problem: We had  
6 the evidence given that the Montreal pilots should take  
7 ships downstream and have to stay in the basin of the  
8 St. Charles River. They don't dock at rising tide.  
9 Is that true?

10 A. Yes, in general.

11 Q. Now could you comment on this problem?  
12 When did this start?

13 A. Well I wouldn't say that there are  
14 no Montreal pilots that don't go in. In general I think  
15 this is true. I think nobody goes there -- it depends  
16 on the conditions just like Mr. Gauthier explained.  
17 If there is too much wind or if the ship is too big,  
18 well the pilot would have reason not to go in, but  
19 to say that it is impossible for a ship to go into the  
20 St. Charles River at rising tide would be going too  
21 far.

22 Q. So you think that some ships dock  
23 in the St. Charles River at rising tide. Well could  
24 you give us a figure of the size of the ship?

25 A. I am not an expert in ship tonnage.  
26 It all depends on the kind of ship. If it is a very  
27 powerful ship -- you could have a small ship without  
28 power and a big ship with big power. Some ships are  
29 able to come in, some ships are not able to do so.

30 MR. LALONDE: My colleague said "of the basin".







1 French

2 I think it should be clear it is the interior basin of  
3 the St. Charles River.

4 THE CHAIRMAN: I think it is better to  
5 be more precise on the terms here. It is the interior  
6 basin of the St. Charles River we are talking about.

7 Q. Now about that docking, is that the  
8 attitude of the pilotage? Is it something new?

9 A. No.

10 Q. How many years?

11 A. A number of years. There has always  
12 been a number of hesitations or restrictions on the  
13 part of pilots.

14 Q. When the problem exists, when the  
15 pilot takes his ship down ~~into~~ to Quebec, when the  
16 ship cannot dock immediately, do they change pilots?

17 A. If the agent asked. This is what  
18 happens: If the ship comes down from Montreal and  
19 is ordered to go into the St. Charles River and the  
20 pilot knows there is a rising tide, and he doesn't  
21 want to go in, what he is going to do is contact the  
22 Captain; is going to contact the agent and the agent  
23 says I want the ship in, so we may have to change  
24 pilots.

25 Q. Well I would like to know if some  
26 agent told you that. If it has happened that there  
27 was a pilot from Montreal wanted to dock into the  
28 St. Charles River and had to send immediately the  
29 Quebec pilot to do it?

30 A. No.





1 French

2 Q. So the Quebec pilot does the docking?  
3 He is able to do it immediately?

4 A. Yes.

5 Q. A few hours, or what?

6 A. Immediately the Montreal pilot comes  
7 down and the Quebec pilot boards the ship.

8 Q. Did you have any complaint by the  
9 Quebec agents on this specific point?

10 A. Well they complain most of the time  
11 because they don't know what the pilot is going to  
12 decide, so this is where the complaint lies.

13 Q. When a Montreal pilot comes down,  
14 and a Quebec pilot goes on board, how do you charge?

15 A. Well we send movage charge.

16 Q. Do some agents refuse to pay a movage  
17 charge?

18 A. No. Not for docking a ship in the  
19 St. Charles on rising tide.

20 Q. In your evidence about the St.  
21 Charles River, does that not also apply to sheds 25 and  
22 26?

23 A. Yes.

24 Q. And you say that the agents never  
25 refuse to pay in these cases, so it could be that they  
26 refuse to pay in other cases. Could you elaborate on  
27 that point?

28 A. Well if the conditions are normal, and the  
29 pilot refuses to dock simply because for some reason  
30 or another he says I don't go there. I am tired, or







1 French

2 send me another pilot, well in such a case the agent  
3 refuses to pay and I think they are right.

4 Q. Does that happen often?

5 A. No, not very often. It is the  
6 exception.

7 Q. Now does that happen also from the  
8 ships coming upstream from Escoumains and downstream  
9 from Montreal?

10 A. No, it doesn't happen very often.  
11 I think I was going a little too far when I said that  
12 it could happen. There are cases but they are so few  
13 that I am sorry that I mentioned it.

14 Q. Now do you remember what was the  
15 destination of the ship?

16 A. Well the case of the interior, let's  
17 take a ship of the Dominion Coal in the interior basin,  
18 they go in there only at certain times of the tide and  
19 say a ship who was going at 10 or 12 knots maximum, the  
20 Captain may have had orders from the agent to reduce  
21 its speed so that he would come in exactly at the  
22 right time, so he had no movage to pay but then there  
23 were supplementary, or overtime to pay the pilot, but  
24 if the ship was keeping its speed and had to wait for  
25 the tide, then they change the pilot so that the harbour  
26 pilot takes the ship into the interior basin. There  
27 have been discussions between the Authority and the  
28 agents, and it was decided that after 12 hours a pilot  
29 could ask to be replaced. 15 hours.

30 Q. Do you know about the complaint of the





1 French

2 pilots about the telecommunications system in the  
3 Quebec region?

4 A. No, I have no knowledge of it.

5 Q. Since the time you have been Super-  
6 visor, do you have to look into the discipline? Since  
7 May?

8 A. Yes.

9 Q. Without mentioning names, could you  
10 tell us about the problems which exist?

11 A. Well one of the problems is there is  
12 a pilot which does not want to see me. He says he  
13 doesn't know me. Well then I had to see the President.  
14 We always manage, but at that time there has been  
15 some tension and directly there was the case of another  
16 pilot who missed his turn.

17 Q. For what reason did he miss his turn?

18 A. Not in Quebec. It was in Escoumains.  
19 Well the office in charge in Escoumains mentioned to  
20 me that the pilot took his name off the turn without  
21 the right, so I referred the case to Montreal because  
22 when I am Superintendent on an interim basis, I don't  
23 want to take any disciplinary measures so I referred the  
24 case to Montreal.

25 In the case I was mentioning that pilot  
26 who doesn't know me, missed his turn twice. I wrote  
27 to him and he never answered me.

28 Q. He was not with the Royal Commission  
29 I hope?

30 A. No, he was not.





1 French

2 Q. With your experience on the pilotage  
3 service, do you know of any cases where the pilots,  
4 or any pilots would have been refused by a ship captain  
5 because he would have been under the influence of liquor?

6 A. It happened. Well yes, it did happen.  
7 I cannot be more specific, but the case happened.

8 Q. Does that happen often?

9 A. No, but it did happen. Well it can't  
10 happen very often in any case, because in principle  
11 the pilot comes to the office before boarding, so there  
12 is only the case where a pilot would go directly from  
13 his home and board a ship.

14 Now if he goes to the office, and if they  
15 think he is not in proper condition to board, we do not  
16 let him board.

17 Q. Now do you have cases where you had  
18 to refuse the boarding of the pilot? Could you give  
19 us an idea? Once a week last year?

20 A. Well seven or eight times a year.  
21 Five or six, or seven or eight times a year.

22 Q. Is it always the same people?

23 A. Yes, more or less always the same  
24 people.

25 Q. Is it not a fact that a pilot had  
26 been refused twice in Father Point by a captain and  
27 once on a Beaver?

28 A. Yes, but in Father Point I never  
29 gave any answer, or Escoumains. I have no knowledge  
30 of what happens there. It is not within my District.







1 French

2 I have enough troubles in Quebec and I have nothing  
3 to do with Escoumains.

4 Q. In your files would you have any  
5 documents on these happenings? Could you check your  
6 files and bring the exhibits before the Commission?

7 A. Yes, I will try .

8 Q. Now to come back to the list of  
9 turns, are there any rules of the number of hours that  
10 you have to give to the pilot before asking him to  
11 board?

12 A. Yes. One hour and a half, well one  
13 hour in Quebec and one and a half in Montreal.

14 Q. Why the difference?

15 A. Well that was asked by the pilots.  
16 Maybe traffic is heavier in Montreal, I don't know.

17 Q. So it is one and a half hours for  
18 Montreal pilots and one hour for the Quebec pilots.  
19 The pilots themselves asked for this delay. Does  
20 it happen that you cannot give one hour's notice?

21 A. Yes. One hour at least is necessary.

22 Q. What if you can't give the one hour's  
23 notice?

24 A. We ask the pilot to go as fast as  
25 possible.

26 Q. Now why do you have to give such short  
27 notice?

28 A. Well in Quebec some agents wait until  
29 the very last moment to give us the notice. If they  
30 wait until the very last item is put on board, and they





1 want to sail -- but if they give us in the morning --  
2 as soon as we are able, we ask the companies at what  
3 time do you think this ship is going to sail? Could  
4 you tell us if such a boat is going to leave today  
5 and when?

6 Q. Do you know the names of every ship  
7 in port? So every day you telephone to the company or  
8 the agents?

9 A. Well if they tell us today that the  
10 ship is going to sail on Saturday, we are not going  
11 to call every day. We are going to call Friday about  
12 that ship. On Friday we call again and say is that  
13 ship going tomorrow, and so on.

14 Q. Now are you obliged to ask for this  
15 information yourself or is it information provided  
16 to you without any request from your side?

17 A. No, we have to request it.

18 Q. I am going on to a totally different  
19 subject sir.

20 THE CHAIRMAN: We will continue for a  
21 few minutes.

22 Q. Mr. Maheux this is a document -- would  
23 you have a look at it and tell us if it has been  
24 prepared in your office?

25 A. Yes.

26 Q. What is it?

27 A. Well this is a list of the pilots  
28 who resigned in 1962, pilots with temporary licences,  
29 pilots who received their permanent licences in 1962  
30 and one pilot who has reached the age of 65, and also







1 French

2 there is a list of 36 -- it mentions there has been  
3 36 accidents or incidents. This document has been  
4 prepared a few days before the meeting of the Commission.  
5 If I recall Montreal had given the same document and  
6 this was requested also.

7 Q. This will be filed as Exhibit 646.

8  
9 ---EXHIBIT NO. 646:

List of pilots resigning,  
temporary licences and  
permanent licences for the  
year 1962 for the Quebec  
District.

10  
11  
12  
13 Q. I will show you another document.  
14 Could you please tell us if that document was prepared  
15 by your office?

16 A. Yes.

17 Q. And what is that document?

18 A. This is the list of apprentice pilots  
19 to March 27th 1963 with the date of entrance.

20  
21 ---EXHIBIT NO. 647:

List of apprentice pilots  
to March 27th 1963.

22  
23  
24 Q. Those apprentices, I notice that  
25 the last one entered on that list is dated May 28th  
26 1962?

27 A. On that list, yes, but there was another  
28 one who was registered after that. There was another  
29 one this year, after March.

30 Q. Are those apprentices under the old





1 French

2 system or apprentices under the new old?

3 A. Under the old system.

4 Q. Could you briefly explain to the  
5 Commission how that system works?

6 A. Well in my time any boy of sixteen  
7 could make an application in order to put his name  
8 on the list of candidates for apprenticeship, and as  
9 soon as his application was entered with the documents  
10 that were asked for, which is a birth certificate and  
11 his certificate from the optamologist to see that  
12 his vision was in good form and a medical certificate  
13 and so forth.

14 -

21 -

28 -





B/RPS 1 French

2 Then his name was placed on the list and  
3 then the man was a candidate to apprenticeship.

4 Q. So what did he do then?

5 A. Perhaps the fact that he was underage,  
6 16 years indicated it was too early to choose his  
7 profession. He could go and study. As soon as his  
8 name came and we needed some apprentices we always phoned  
9 candidates according to the list. In 1929 we called  
10 60 names and got 20 apprentices.

11 Q. You say in 1929, but in general?

12 A. Sometimes we called -- there were  
13 certain restrictions. When a candidate went beyond the  
14 age of 30 automatically he was stricken off the lists.  
15 Naturally we didn't have to call that one. There were  
16 certain restrictions that are lost sight of with lack  
17 of use, but according to that list we called them,  
18 and let us say that the first one hadn't gone to sea --  
19 the first one on the list hadn't gone to sea or had  
20 no licence or didn't conform with the regulations set,  
21 well . . .

22 Q. Well, in general how many people did  
23 you have to call in order to have the required number  
24 of apprentices?

25 A. In the latter years it seemed the  
26 situation had improved, but there were only some people  
27 who met the regulations. What I would like to mention  
28 is the following: There were many names of people who  
29 weren't interested to become apprentices, but they  
30 put down their names in case they would like to.







1 French

2 Q. Now, always according to your own  
3 experience, if you are unable to answer the question  
4 you may consult your files, amongst all these people  
5 who were candidates to apprenticeship, could you please  
6 tell us what is the ratio that actually became pilots?

7 A. Well, it is hard to answer. Remember  
8 that I have a list of 240 candidates to apprenticeship  
9 and out of those 240, well, perhaps, only 20 out of the  
10 list became pilots today or even apprentices.

11 Q. Now, amongst the people who you called  
12 to become apprentices, who became apprentices, in fact,  
13 what percentage of these became pilots?

14 A. Well, to my knowledge only two or three  
15 out of them, after having been apprentices didn't become  
16 pilots. Of the two Districts perhaps a total of four  
17 or five didn't become pilots.

18 Q. Always according to your own knowledge  
19 how many of these apprentices were not called to become  
20 pilots when their turn of apprenticeship was over, but  
21 who became such subsequently?

22 A. Apprentices who weren't called as  
23 pilots?

24 Q. When their compulsory time for apprent-  
25 iceship ended.

26 A. Well, there were many, but regulations  
27 have changed in that respect. Naturally in the apprent-  
28 iceship there was a minimum of time to serve, but I  
29 never remember having seen a maximum.

30 Q. Let us say with a minimum of four





1 French

2 years, how many apprentices, in fact, had an apprenticeship  
3 that went beyond four years, were forced to remain  
4 apprentices because there were no openings or vacancies  
5 as pilots?

6 A. There is a large number of them.  
7 I am even led to believe that the last 20 -- I think  
8 that all apprentices did more than four years of  
9 apprenticeship. I couldn't give you actual figures  
10 with the exception of the last one.

11 Q. Basing yourself on your files would  
12 it be possible to establish the number of apprentices  
13 who were apprentices for longer than the minimum time?  
14 Would that be difficult to do?

15 A. For which period?

16 Q. I was coming to that.

17 A. We have a register in the office in  
18 which we have the name of the pilot himself and the  
19 date of his licensing, and on the same page you have  
20 the date of his licensing as an apprentice.

21 Q. Could you please prepare for the  
22 Commission the following table: a table indicating for  
23 the last ten years the number of apprentices who became  
24 pilots every year in the course of those ten years,  
25 and also the time of apprenticeship of apprentices.  
26 For example you may have a table indicating that in  
27 such and such a year there were 10 pilots who were  
28 licensed and amongst those 10 pilots five of them had  
29 10 years apprenticeship, three had four years apprenticeship  
30 and two 15 years and so on.







1 French

2 A. I think it would be simpler to give  
3 a list of pilots present now with the date on which  
4 they were licensed as a pilot and the date on which  
5 they were licensed as an apprentice. That would be  
6 far simpler to prepare.

7 Q. Would you please do that?

8 A. I could give you a list of that.

9 THE CHAIRMAN: We are going to stop Mr.  
10 Maheux's evidence and we will adjourn until 2:30 this  
11 afternoon.

12  
13 ---LUNCHEON ADJOURNMENT.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
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3/RPS 1 ---ON RESUMING AT 2:30 P.M.

2 DIRECT EXAMINATION BY MR. JACQUES: (CONTINUED)

3 Q. On the request of the Commission  
4 the witness has a photocopy of the list of movements,  
5 for the movages of ships in Quebec Harbour and this  
6 will be Exhibit No. 648. The witness has prepared  
7 a photostat of the list of movages for the Quebec Harbour.  
8 It will be Exhibit 648. Can you explain to the Commission  
9 what this Exhibit 648 contains, for the 6th of September,  
10 1963. We see number one on the left. Can you explain what  
is the significance of the number?

12 A. The number on the left is the number  
13 of movages made, the date is the 6th of September. It  
14 is the one which is applied to it. We don't make a  
15 list every day.

16 Q. When changes are made -- you see  
17 here Duchaine?

18 A. It was not number three. He is  
19 now in number four. No one has made a movage.

20 Q. So Mr. Chouninard has made today more  
21 movages of ships. This movage, does it apply only for  
22 movages in Quebec Harbour? How do you do it when there  
23 is a movage in Port Alfred, Chicoutimi or Riviere du  
24 Loup or any other place in the District?

25 A. Well, in such case the movages are  
26 made by the pilot which happens to be on the site.  
27 In Chicoutimi the pilot who is on board will do the  
28 movage. In Chicoutimi there is only one wharf, so I  
29 understand. If there is no pilot they ask Quebec  
30 and we send one in the tour de role list of





1 French

2 assignments.

3 Q. Let us say Port Alfred?

4 A. Yes.

5 Q. Not from the list of movages.

6 A. No sir, the first in turn on the list  
7 of departure.

8 ---EXHIBIT NO. 648: List of movages in Quebec  
Harbour.

9 ---A SHORT RECESS DUE TO POWER FAILURE.

10  
11 THE CHAIRMAN: Mr. Lalonde was saying the  
12 document he could not photostat, Mr. Jacques' office  
13 could not photostat it either.

14 MR. JACQUES: What was the last question?

15  
16 --- (FRENCH REPORTER READS BACK LAST QUESTION AND ANSWER.)

17  
18 MR. JACQUES: Are there many movages in  
19 the intermediary harbours?

20 A. Yes, in Port Alfred, but not Chicoutimi.  
21 There are big tankers -- if a ship is too big there is  
22 a transfer to another ship which carries the oil to the  
23 shore. There is a transfer of shipment made from the  
24 bigger ship to the smaller ship in Chicoutimi -- in  
25 Port Alfred.

26 Q. What is the charge at Port Alfred?

27 A. If a pilot is sent from Quebec  
28 the movage charge is applied.

29 Q. When a pilot goes to Port Alfred to  
30 make a movage who pays for it?







1 French

2 A. The pilot himself pays his expenses  
3 to do the moving.

4 Q. In Riviere du Loup do you have movages ?

5 A. Yes, it is the same procedure applies  
6 in Riviere du Loup.

7 Q. Can you give us statistics on the  
8 frequency of these movages in intermediary harbours?

9 A. No. We know the total number of  
10 movages in the District. We don't have the breakdown  
11 for each port.

12 Q. Mr. Maheux, you were asked this  
13 morning to bring the files about accidents or cases  
14 where pilots have been disciplined, on discipline  
15 matters. Can you give us some explanations without  
16 giving names?

17 THE CHAIRMAN: This is what it is on  
18 Exhibit 646 which gives the number as being 36.

19 MR. JACQUES: Excuse me, my lord. These  
20 are reports of incidents or accidents, not of disciplinary  
21 measures. These are special cases. What we are talking  
22 about is the occurrence of four special cases where  
23 adverse reports were made by ships' captains against  
24 the pilots and where the pilots have been refused by  
25 the ship's captain.

26 THE WITNESS: I have here a letter from  
27 Captain Foskolos -- F-O-S-K-O-L-O-S.

28 Q. F-O-S-K-O-L-O-S.

29 A. That Captain sent a letter to the  
30 Quebec Pilotage Office. The ship was the ARROW, in





1 French

2 Aug.3, 1962. This is the letter:

3 "Dear Sirs,

4 "I protest strongly for the following  
5 "incident: On the 2nd August 1962 at 01.45  
6 "local time, after the embarkation of pilot"  
7 so and so "at Escoumains, I noticed that  
8 "he was looking a little dizzy, but I  
9 "supposed that it was from the early wake-  
10 "up.

11 "Later-on I noticed that his movements  
12 "and his guidances were inconstantly, and  
13 "I ascertained that the reason was a strong  
14 "drunkenness. I stopped taking into  
15 "consideration his intoxicated guidances  
16 "and by radio telephone I sent a message to  
17 "Quebec station requiring his immediately  
18 "replacement."

19 "During the tack (sic) the above  
20 "named pilot except his incoherences, he  
21 "laid down on the bridge floor and he was  
22 "vomiting and urine all the time into the  
23 "chart room. He has telling that last  
24 "night had a party where-in he drank two  
25 "(2) bottles of whisky.

26 "Because of his condition I was keeping  
27 "him under continuous overseen of 2nd  
28 "Officer, two sailors, Steward, and a mess-  
29 "man, until our arrival at Quebec.

30 "I consider as responsible for the







1 French

2 "above the Chief pilot and generally the  
3 "pilotage service of Escoumains station  
4 "who they sent a drunkard pilot on board  
5 "this vessel and they exposed in danger  
6 "a Tanker ship, her crew and her cargo and  
7 "also the river's safety navigation.

8 "I demand indemnity soul suffering  
9 "for me and the crew and investion (sic)  
10 "of extra charges to the ship's Owners about  
11 "the crew's Stand-By and the vessel's general  
12 "delay. The extra charges to the above  
13 "crew members were paid on specially  
14 "agreement.

15 "Also I consider unacceptable the salary  
16 "for pilotage from Escoumains to Quebec  
17 "because the next pilot boarded at Quebec.

18 "By notification of this letter they will  
19 "be acknowledged the Ship's Owner,  
20 "Escoumains pilot station and our local  
21 "agent Mr. McLean-Kennedy.

22 "Yours truly, the Master,  
23 "F.G. FOSKOLOS."

24  
25 MR. LANGLOIS: Excuse me, my lord. I always  
26 forget that you take this machine. At this stage I  
27 don't know if my learned colleague wants to proceed  
28 with this kind of evidence. In reading this letter--  
29 this is a case which is sub judica and it is  
30 far from proved that these facts are true, that it wasn't





1 French

2 drunkenness but sickness. Unless we want to discredit  
3 the pilotage office at least it should be complete.

4 THE CHAIRMAN: If this case is sub judica  
5 we will have to establish the facts. If you have other  
6 evidence about this you will be entitled to give it,  
7 but if it is a case of drunkenness we will have to learn  
8 how such a pilot has been allowed to board a ship.  
9 In that context we are interested to learn what happened.

10 MR. LANGLOIS: My lord, I don't think Mr.  
11 Maheux has all the facts. This case is sub judica in  
12 Ottawa. I would suggest that the best way to have all  
13 the facts would be to consult the file when the Inquiry  
14 will be over and when the Pilotage Authority will have  
15 established the facts and evidence and the counter  
16 evidence given by the doctors and the pilot himself.

17 THE CHAIRMAN: Well, this will be on the  
18 record and we will take it into account when we are  
19 in Ottawa. We will see that it is put on the record.

20 MR. JACQUES: I think my learned friend  
21 jumped to conclusions a little too quickly and should  
22 have let us finish with that particular matter. I never  
23 had the intention to show to the Commission that this  
24 letter contains only the full truth and that it can't  
25 be contradicted. What I wanted to put forward are cases  
26 which are maybe -- it is a case of difficulties between  
27 the pilots and captains for any reason, for sickness,  
28 for drunkenness -- these are serious cases. The safety  
29 of the ship is trusted to the pilots and if by reason  
30 of sickness or drunkenness he can't do his duty there is





1 French

2 a risk for the other ships which are using the river  
3 and also the ship itself. I never said that the pilot  
4 was culprit in any way, but this letter is only the  
5 beginning of several other exchanges of correspondence.  
6 I looked very quickly -- I had a quick look at the file  
7 and saw a letter of my learned colleague in this  
8 case. My colleague refers to a number of medical  
9 certificates, and apparently the pilot was under  
10 doctor's care. There is a certificate. This certificate  
11 will be read to the Commission unless my learned  
12 colleague would accept the file be put in.

13 THE CHAIRMAN: What do you know about the  
14 case, if the case is sub judica or not in Ottawa?  
15 If it is sub judica we know enough about it and when  
16 the Inquiry is finished we will see that the complete  
17 file be put in.

18 MR. JACQUES: My lord, there is a problem  
19 of communication which is in relation with this accident.

20 MR. LANGLOIS: This Inquiry was started  
21 two years ago. It is not finished yet.

22 THE CHAIRMAN: Do you think it will be  
23 soon?

24 MR. LANGLOIS: Well, maybe. It may be  
25 possible that this case will be settled before the  
26 end of this Inquiry.

27 THE CHAIRMAN: There may be three or four  
28 cases. If there are only three cases in the file it  
29 is very minor, but we would like to have all the facts  
30 and all the circumstances. If we see that it is the







1 French

2 human element, in such cases we would like to know.

3 We would like to establish all the facts on the number  
4 of cases and the number of occurrences and such  
5 misbehavior. We belong an Order which is the Bar and  
6 we have incidents in the Bar also.

7 MR. LANGLOIS: I just wonder if the Bar  
8 would like if all these little incidents would be published  
9 in an Inquiry of this kind, especially where we know  
10 the newspaper men and their tendency (end of interpretation).

11 MR. JACQUES: It is not a Royal Inquiry on  
12 The Bar. The letter which has been read by the witness  
13 contained the following words:

14  
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28 -  
29  
30





R/RPS 1 French

2 "I stopped taking into consideration

3 "his intoxicated guidance and by radio tele-

4 "phone I sent a message to Quebec Station

5 "requiring his immediately(sic)

6 "replacement."

7 If we can dispense with reading all the

8 letters, all these letters show that "our logs for

9 August 1st, 2nd and 3rd show no record of any message

10 being exchanged with this ship".

11 THE CHAIRMAN: These messages must have

12 been sent in that space where nobody could communicate

13 either ship to shore or shore to ship.

14 Q. Somewhere else I see "Refer your

15 letter August 17 1962 STOP We haven't handled any

16 T.F.C. whatsoever concerning ship S.T. ARROW STOP Might

17 be Mont Joli STOP Regards". This message came from

18 Seven Islands and the Pilotage Office from Escoumains

19 say: "If a message was sent they may have been sent to V.C.F.

20 Mont Joli or to Quebec through telegraphy." Next

21 Seven Islands "Our station logs show no contact with

22 above ship on August 2nd." From Mont Joli, "Our logs

23 were scrutinized but we were unable to find out

24 any communications exchanged between both stations."

25 THE CHAIRMAN: Well don't they acknowledge

26 receipt in such cases?

27 THE WITNESS: I don't think so.

28 THE CHAIRMAN: How do they know if their

29 message has been received, if there is no other arrange-

30 ment?







1 French

2 MR. LANGLOIS: My lord, if the message  
3 was sent by radio telephone, a speech message, the only  
4 word that is used is "rodger". The only proof is the  
5 log book or the radio telephone log book and "rodger"  
6 is entered into the book.

7 THE CHAIRMAN: The Captain is not here.  
8 We don't have the log book so we don't know if he has  
9 not helped his case by putting in a little more details  
10 than what was really happening.

11 MR. LANGLOIS: In this case, even in the  
12 log book of the radio telephone station in Quebec and  
13 Mont Joli there was no indication they never received  
14 such a message.

15 THE CHAIRMAN: Well in such a case here  
16 we have the evidence given by the counsels. We have  
17 to look at the whole file.

18 MR. JACQUES: Well if it can help the fears of my  
19 learned colleague, I can read the medical certificate.

20 MR. LANGLOIS: It was not necessary.

21 Q. Well could you, with the help of your  
22 file, make a summary of this case without mentioning  
23 the name of the pilot?

24 A. In this particular case, the case of  
25 a pilot who would have two accidents almost simultan-  
26 eously, he would do his physical, or his attitude to  
27 work.

28 Q. We are talking about two accidents.  
29 Prior to either one of these accidents had you received  
30 any communication whatsoever from the ship master or the





1 French

2 shipowners as regards to the attitude to work of this  
3 pilot?

4 A. This pilot was examined by the  
5 physicians from the Department.

6 Q. When? Before or after the accident?

7 A. On July 11th Captain Allard's letter  
8 from the doctor stating that he had examined the pilot  
9 on July 11th 1962.

10 Q. Was that before or after the casualties  
11 or the accidents to which you refer?

12 A. The accidents happened on August  
13 25th and September 5th 1962.

14 Q. So it was before the accident. Did  
15 the reasons for this medical examination appear in your  
16 files?

17 A. No, I don't see anything here. I think  
18 that it is pursuant to many absences for sickness that  
19 were more or less that he was sent to pass a medical  
20 examination.

21 THE CHAIRMAN: So it is upon your request?

22 THE WITNESS: Yes, it was upon the request  
23 of our Quebec Office.

24 Q. Because there were many sick leaves,  
25 and you thought that the absences were not justified?

26 A. Yes.

27 Q. So the examination took place on July  
28 11th 1962 and the first accident took place when?  
29 August 25th 1962?

30 A. I repeat August 25th and the second one





1 French

2 on September 5th 1962.

3 Q. Were there any investigations made  
4 following these accidents?

5 A. Well insofar as I can see in his  
6 record, there was some preliminary inquiries, and a  
7 little evidence that was heard.

8 Q. Now do you know if all the investigations  
9 are over?

10 A. It seems that his case is not  
11 settled because his licence is still in the drawer.

12 Q. Does your file indicate the nature of  
13 these accidents?

14 A. Well no, rather the nature of the  
15 sickness, so-called sickness. Well in both cases it  
16 seems that there is always a case of intoxication  
17 mentioned.

18 THE CHAIRMAN: When he mentions two cases,  
19 he means the two accidents.

20 THE WITNESS: I don't think I can state  
21 officially that this is the cause of the accidents but  
22 it seems that the Department has this feeling.

23 Q. First of all, does your record reveal  
24 the nature of the accident? Was it a running aground?  
25 Was it a collision?

26 A. There were two runnings aground.

27 Q. Where exactly in the river?

28 A. One in Lauzon at Anse la  
29 Barque. This is about 15 miles upstream from Escoumains.

30 Q. Does your file reveal the weather







1 French

2 conditions at the time of these two runnings aground?

3 A. Apparently the weather was fair,  
4 so far as I can detect.

5 Q. Would you have in your files the  
6 tonnage of ships in both cases?

7 A. No, unfortunately I don't have details  
8 of that.

9 Q. From memory do you remember the  
10 ships involved?

11 A. Yes. They were two merchant ships,  
12 large enough.

13 Q. Was the pilot of class A, B or C?

14 A. He was a pilot of class B.

15 Q. For how many years had he been a  
16 pilot?

17 A. Since August the 11th 1959. Rather,  
18 he was licensed on August 17th.

19 Q. So he had been a pilot for three  
20 years?

21 A. Yes.

22 Q. And according to your files I think  
23 that you already stated that the Department or the  
24 Pilotage Office suspect certain cases of intoxication  
25 in both cases of accidents?

26 A. Apparently he was penalized a few  
27 times. He was fined a few times.

28 MR. LANGLOIS: My lord, if we base our-  
29 selves on preceding circumstances in order to reach  
30 a conclusion, it seems that we are being misled.





1 French

2 Q. How many times was he fined previous  
3 to these two accidents?

4 A. I will have to look at the whole  
5 file in order to find out.

6 Q. Go ahead. Take your time. The amounts  
7 are not extremely important.

8 A. Once on July 17th.

9 THE CHAIRMAN: What I would like to give  
10 is an example in order to find out how the discipline  
11 is administered.

12 A. On July 18th 1962 \$20.

13 Q. What was the reason for this fine?

14 A. Because the pilot could not be found  
15 when it was time for him to board a ship, so this was  
16 not a case of intoxication.

17 THE CHAIRMAN: Give us the whole record  
18 please.

19 Q. Could you please relate who complained  
20 and who brought that to the attention of the Superintend-  
21 ent and what the Superintendent did pursuant to looking  
22 at the files you have before you?

23 A. Well there is no mention of who made  
24 the complaint because I have nothing here on the files,  
25 but I remember that one of the clerks made a report  
26 about this pilot. Moreover, aside from the \$20 fine,  
27 he lost six trips.

28 Q. Why?

29 A. Well because he had been absent long  
30 enough and he was late, and consequently he was kept







1 French

2 from starting his trips. So he lost his six trips.

3 Q. What did the Superintendent do?  
4 Did he write to this pilot?

5 A. I think that he simply called him to  
6 his office. We have no record about that. No letters.

7 Q. You have a record concerning the fine?

8 A. Yes.

9 Q. So this is an incident when this  
10 pilot was absent, when he was supposed to be on duty.  
11 Do you have any other types of accidents that occurred?

12 A. On July 4th 1962 he was fined \$40.

13 Q. Why was he fined \$40?

14 A. For having refused to answer when  
15 he was called to board a ship. Then on June 20th he  
16 was fined \$40 because he was not there when he was  
17 called upon to board a ship on June 3rd, so he was  
18 fined on June 20th.

19 Q. Anything else?

20 A. On December 11th 1961 -- was taken  
21 off the assignment list for the rest of the season.

22 Q. No names please.

23 A. This is dated December the 7th.

24 THE CHAIRMAN: Please strike out the name  
25 from the record because it is our usual policy not  
26 to mention any names. We are not making an investigation  
27 into the personal life of one given pilot. Indicate  
28 for the records that the name had been given by the  
29 witness and that upon the decision of the Commission  
30 the name was struck off the record.





1 French

2 Q. Please go on?

3 A. This is dated December 7th.

4 Q. What year?

5 A. 1961, because he refused to answer  
6 our call to board a ship.

7 Q. Now I see here five cases in which  
8 the pilot was absent. Do you have the reason for which  
9 the pilot was not present when his name was called?

10 A. No, it is not mentioned.

11 Q. Now if you want, we will get back  
12 to the accidents on August 5th and September 5th 1962.  
13 What provisions were made by the Department pursuant  
14 to the accident of August 25th?

15 A. Well there was a preliminary inquiry  
16 which was made by the Superintendent, both Superintend-  
17 ents, Local and Regional Superintendents in order to  
18 find out what were the causes of the accidents. Insofar  
19 as I know personally, we got no results from this  
20 investigation. The only thing I have before me is the  
21 pilot's licence which I will give back to him when  
22 I receive orders to hand it back to him.

23 Q. So you are expecting orders?

24 A. No, I have no orders. When Captain  
25 Allard left, he gave me back his licence and that is  
26 all.

27 Q. Following that accident do you have  
28 any of the steps that were taken concerning that pilot?  
29 Was he allowed to go on piloting? Was he suspended  
30 for a while? Was he forced to hand back his licence for





1 French

2 a while?

3 A. Well I have nothing here in my files.

4 Q. Was this pilot sent a letter?

5 A. No. Here is something that I had  
6 not seen previously. I have a letter here dated  
7 November 15th 1962.

8 "Dear Sir:

9 "We have to inform you that  
10 "the reports of the inquiries into the  
11 "circumstances of the groundings of the  
12 "S.S. 'OAKHILL' on August 25th, 1962, at  
13 "Quebec and the S.S. 'CONTINENTAL PIONEER'  
14 "on September 5th, 1962, at Anse a  
15 "la Barque, when these vessels were piloted  
16 "by you, have been considered by the  
17 "Pilotage Authority.

18 "We now have to inform you that the  
19 "Pilotage Authority has ordered the suspen-  
20 "sion of your license for an indefinite  
21 "period, this license to be restored  
22 "by the Pilotage Authority only after the  
23 "Authority is satisfied, after such exam-  
24 "inations as may be deemed necessary by the  
25 "Authority, that you are physically and  
26 "mentally capable of carrying out the  
27 "duties of a pilot."

28 Q. This letter comes from where?

29 A. Well the Pilotage Superintendent  
30 in Ottawa and this is the reason why I have this pilot's







1 French

2 licence in my possession.

3 Q. Now who was the Superintendent at  
4 that time in Quebec? That is in the course of the month  
5 of August 1962.

6 A. It was Captain Henri Allard.

7 Q. Now I would like to show you another  
8 file which includes another bad case. Would you please  
9 tell us all the circumstances surrounding such a case?

10 THE CHAIRMAN: I mentioned beforehand that  
11 the names should not be mentioned. This is a policy  
12 that is followed but if it is necessary for a name  
13 to be known to allow one party to follow the case either  
14 in Ottawa or elsewhere, well naturally the information  
15 will be given to all those parties who are interested.  
16 This is not a secret from everyone, with the exception  
17 of the members of the Commission.

18 A. I have here a copy of a letter from  
19 the Saguenay Shipping complaining about another pilot.

20 Q. By omitting the name of the pilot,  
21 could you please read the letter?

22 A. It is addressed . . .

23 Q. What date?

24 A. October 2nd 1961.

25 "Dear Sir:

26 "We received a serious complaint  
27 "verbally concerning a pilot who was to  
28 "take the 'K.G. ROGENAES' from Port  
29 "Alfred recently. The Master was so  
30 "concerned about the condition of this man





French

"that he took charge himself. He had  
"indicated to our representative in Port  
"Alfred that he would report the matter  
"to the authorities when he arrived  
"in Montreal the next day.

"We wrote to the Captain to enquire  
"whether he had done this and attach  
"for your information a photostat copy of  
"his reply. Unfortunately he had not  
"brought this to the attention of the  
"authorities when he did arrive in Montreal.

"Belatedly we now inform you  
"of this situation and trust that you will  
"investigate this matter.

"Yours very truly  
"SAGUENAY SHIPPING LIMITED  
"E.M. Strang  
"Operating Manager."

This letter is dated September 18th 1961  
addressed to

"Mr. E.M. Strang,  
"Operating Manager,  
"Saguenay Shipping Ltd.,  
"1060 University Street,  
"Montreal 3, P.Q.  
"Canada.

"Dear Sir:

"I received your letter of the 15 inst.,  
"referring to the pilot I had from Port







1 French

2 "Alfred last voyage. The Pilot was under  
3 "the influence of alcohol and very much  
4 "so, rather drunk.

5 "Unfortunately I did not reported  
6 "this matter to the respective Authorities  
7 "as I had intended to, the cause being  
8 "I was rather tired and was occupied with  
9 "more important matters.

10 "If I do happen to meet with same  
11 "trouble, I will promptly take steps to  
12 "report the matter to Authorities in  
13 "Montreal and send you copy of the reports.

14 "For your information it is the  
15 "second time I have met with this at  
16 "Port Alfred, and I believe I am not the  
17 "only one.

18 "Looking forward to see you on our  
19 "next call at Montreal.

20 "Yours very truly,

21 (Signed)

22 " Karl L. Sjo, Master

23 "M/V 'K.G. ROGENAES'."

24 Q. What steps were taken by the  
25 Pilotage Authority upon receipt of these letters?

26 A. There was an inquiry made. I have  
27 here a letter from Captain Allard who was in Montreal  
28 and who sent me a letter which stated that the Author-  
29 ities had decided to strike out from the turn list  
30 the name of that pilot pending an investigation. That





1 French

2 was a letter dated in October.

3 Q. Did the inquiry take place? I don't  
4 see why my colleague is not getting up?

5 MR. LANGLOIS: Naturally it is absolutely  
6 useless because I know it all by heart so I can give  
7 them to you entirely.

8 A. I have in here dated October 17th  
9 1961 a letter addressed to Captain Jones. Captain  
10 Jones, General Superintendent, Montreal:

11 "We acknowledge receipt of your  
12 "letter of October 13th, concerning Pilot  
13 "- - - - -, and upon receiving  
14 "assurances from Mr. L. Langlois that  
15 "he held affidavits as to Mr. - - - - -  
16 "sobriety that day, we have placed him  
17 "back on tour de role at ten o'clock,  
18 "October 17th, 1961, until the District  
19 "Supervisor's investigation shows different."

20 Q. Was there a subsequent inquiry  
21 following the affidavits which were given by Mr. Langlois?

22 A. No, I don't think -- it must -- I  
23 don't have anything in my files about it, anyways.

24 Q. This pilot, was this the first time  
25 that he was the cause of such a case?

26 MR. LALONDE: The witness mentioned the  
27 name of the pilot.

28 THE CHAIRMAN: You mentioned only half of  
29 the name, not the full name. Half of the name so  
30 once more this name will be struck off the record.





1 French

2 MR. JACQUES: Even though it was half a  
3 name that was mentioned, only the family name mentioned,  
4 the name of the ship was mentioned and putting two and  
5 two together might very well lead to the christian name.

6 THE CHAIRMAN: That is all right. The  
7 same ruling for the same reason. Mr. Stenographer  
8 you may strike out the name for the same reasons that  
9 I mentioned beforehand. Please strike out the name  
10 of the pilot according to the Commission's ruling.

11 -

12 -

13 -

14 -







3/RPS 1 French

2 MR. JACQUES: It wasn't my intention to  
3 mention that name.

4 Q. Was that the only offence of the  
5 pilot? According to the files I think there was one  
6 previous offence which had occurred to previous to the  
7 accident you just mentioned.

8 A. Yes.

9 Q. Is that a fact?

10 A. Yes.

11 MR. LANGLOIS: My lord, I like very much  
12 when my learned colleague is giving evidence, but I  
13 wouldn't like to get reference to this incident that  
14 he would speak about, previous offence, because in  
15 the previous offence my client was completely exonerated.

16 Q... We have a letter here, February 9th,  
17 1960. Will you please omit the name of the pilot  
18 this time?

19 A. I will try.

20 "I have for reference the charge made  
21 "against you as a result of a letter of  
22 "complaint received from the Master of  
23 "the 'BEAVER DELL' who asserted that you  
24 "were under the influence of liquor when  
25 "you boarded his vessel off Father Point  
26 "on August 21st last.

27 "This matter has been the subject  
28 "of careful consideration and, while no  
29 "suspension or fine is being invoked the  
30 "Pilotage Authority has ordered that you be





French

"served a most serious warning for your  
"unsatisfactory conduct on the occasion  
"under review. I trust that you will not  
"mistake this decision as indicating that  
"drinking while awaiting assignment is  
"not a serious matter and I should point  
"out that your record is adversely noted  
"in respect to this incident.

"I trust that there will be no  
"occasion for any complaint in the future  
"against your personal conduct. You are  
"requested to take careful note of this  
"warning and in the future be most  
"circumspect in your behavior in order to  
"give no ground for repetition of a complaint  
"reflecting on your conduct.

"Yours truly,

"Supervisor of Pilotage."

MR. LANGLOIS: My lord, I would like to  
draw attention to the fact this doesn't change my  
statement. Before the Authority there was no proof  
and they decided to reprove just the same this pilot.

Q. This is the fourth and last case.

A. What would you like to know about  
the last case?

Q. Just like beforehand. I think it is  
an open secret, with the exception of the members of  
the Commission, and with authorization of my learned  
friend that this, I believe, we will be in agreement







1 French

2 this is a most unfortunate case. I would like the  
3 Commission to know about the main aspects in the case.

4 THE CHAIRMAN: Aside from that there is  
5 a permanent record in the Commission.

6 THE WITNESS: You asked me this morning  
7 if I had taken any disciplinary measures against anyone.  
8 This case actually is pending. I had the name of that  
9 pilot struck off from the assignment list until he  
10 gave me a report about his last sickness. When I was  
11 at Escoumains this gentlemen refused to take his turn  
12 at the last minute after changing his turn twice. He  
13 was told to report to Quebec and come and see me.  
14 Naturally I made a report to the Montreal authorities  
15 in his case. I was demanding a written report on the  
16 part of the pilot concerning his last absence, and  
17 that I wouldn't be satisfied with a mere medical  
18 certificate because he had waited until he was practically  
19 ready to board the ship in order to report sick. The  
20 last time he hadn't even said he was sick. He said,  
21 strike my name from the role, I am just not leaving.

22 Q. I don't think this is the only  
23 incident in this pilot's case. I think that his  
24 preceding incidents to that effect are quite numerous.  
25 Could you tell us more with regard to that pilot?

26 A. This pilot's licence was suspended  
27 for quite a while, and finally it was restored back  
28 to him. I think during his whole career he had only  
29 one full year on duty without stopping work.

30 Q. When had he obtained at first his





1 French

2 pilot's licence?

3 A. April 1st, 1937.

4 Q. Up to now?

5 A. 26 years. He was suspended for a  
6 few years.

7 Q. During the 26 years his licence  
8 was suspended periodically and the longest period in  
9 which he kept his licence was a year, at any rate.  
10 That is more or less the case, isn't it?

11 A. Yes.

12 MR. JACQUES: My lord, before I am accused  
13 of persecuting the pilots and being against them, all  
14 I wanted to do when I brought forth these four cases  
15 was to demonstrate the following to the Commission:  
16 First of all it seems that there is a lack of mechanism  
17 or a kind of system which would allow to eliminate  
18 from the field of pilotage certain people who, according  
19 to the files are quite undesirable or unable or unfit  
20 to be pilots for one reason or another.

21 THE CHAIRMAN: That is what you have tried  
22 to establish.

23 MR. JACQUES: That is what I have tried  
24 to establish. There are many unfortunate case of  
25 pilots, for example, the last one who still is  
26 piloting ships while being unfit to do so. This is  
27 not to persecute all the profession or talk against  
28 them.

29 THE CHAIRMAN: I understand in the last  
30 case, Mr. Maheux, you suspended temporarily his licence





1 French

2 while an investigation was going on, while you were  
3 doing your inquiry.

4 THE WITNESS: I am not doing the inquiry  
5 myself. He refused to do his turn when it was time  
6 for him to do so and I took him off, to keep him from  
7 working until he sent me a written report. Everything  
8 is dependent upon him. As soon as he sent a letter  
9 stating his reasons, well, I wouldn't take any steps  
10 myself. I am going to refer the case to the higher  
11 authorities.

12 Q. This is going on since when?

13 A. That is since the 31st, since August  
14 31st.

15 Q. It is August 31st he refused to board  
16 the ship, of the year 1963, of course, thank you.  
17 I would like to know if during your long career you  
18 met with cases where pilots have reported to you  
19 pollution of the river waters?

20 A. Yes, lately it happened, but not  
21 very often.

22 Q. What measures are taken when the  
23 pilots make such reports?

24 A. When the pilot reports that there  
25 is oil in the water, I submit the case immediately  
26 to the inspection service, the service which is  
27 inspecting the ships.

28 Q. Do the pilots express hesitation  
29 to report such things?

30 A. No, they never refuse. They never







1 French

2 complained, no.

3 Q. No hesitation shown?

4 A. No.

5 Q. Did you receive reports from pilots  
6 on the way other ships would navigate in the river?

7 A. Yes, in some instances pilots have  
8 complained. They told me that other ships blocked  
9 their way. Yes, we have a number of letters on these  
10 instances.

11 Q. Does this happen very often?

12 A. That we receive letters -- no.]

13 Q. I mean that you receive complaints  
14 from pilots?

15 A. No, they are not frequent. The  
16 last one reporting was between Quebec and Three Rivers.  
17 He reported verbally. He said he made a report and  
18 I told him to put it in writing. He met with a schooner,

19 Q. This year, can you tell us how many  
20 written reports you received?

21 A. I never received not one, at least  
22 not sent to me.

23 Q. In Quebec have there been any differ-  
24 ences between the tug owners, tug captains and pilots?

25 A. No, not as far as I know.

26 Q. Do pilots complain to the Pilotage  
27 Authority about the competency of the crew of the tugs?

28 A. No, not to me, maybe to my superiors,  
29 but not to me.

30 Q. Do you know if the pilots complain to





1 French

2 tug owners about the shape or the state of the tug?

3 A. No, not as far as I know.

4 Q. Did you receive any complaints about  
5 the speed of the ships in the Harbour?

6 A. Yes.

7 Q. Could you elaborate on this?

8 A. Well, it happens rather frequently  
9 that the yacht club would complain that the ships  
10 come too fast, the yacht club from Quebec, Sillery.

11 Q. Is it the legal adviser for the  
12 Sillery Yacht Club who is complaining?

13 A. The complaints I receive and which  
14 I find come only from the street, said that the  
15 ship was coming too fast, and one from Duc D'Orleans,  
16 that the ship broke its mooring .

17 Q. The President of the Commission knows  
18 the Duc D'Orleans. Could you describe the Duc D'Orleans  
19 ship?

20 A. The Duc D'Orleans is a ship which  
21 does excursions in the morning from Quebec to St. Anne.  
22 and in the afternoon he takes tourists  
23 in the Harbour and in the evening he makes another  
24 trip in the Harbour and goes as far as the Quebec  
25 Bridge and Ste. Petronille at a certain time.

26 Q. What kind of ship is it?

27 A. I have no idea.

28 Q. What length?

29 A. No idea.

30 MR. LANGLOIS: It is an old minesweeper,







1 French

2 length 120 and a half exactly.

3 Q. How many passengers does that  
4 ship take?

5 A. I have no idea, but I would say  
6 about 100.

7 Q. That complaint was made when?

8 A. Well, I don't know, but I put a  
9 notice in the hallway immediately asking the pilots  
10 to reduce speed going through that place, that was  
11 last month.

12 Q. The ship was apparently going too  
13 fast, was under the responsibility of a pilot?

14 A. Yes.

15 Q. Did you interview the pilot?

16 A. The pilot told me that -- I was  
17 never really established which ship was going too  
18 fast. Then I was asked which is the speed limit in  
19 the harbour.

20 Q. Who asked for the speed limit?

21 A. The Duc D'Orleans' captain asked  
22 me what is the speed limit in the Harbour and I told  
23 him.

24 Q. Which ship was going too fast?

25 A. He couldn't give me the name.

26 Q. So you couldn't make any inquiry.

27 A. No, but I put a notice which is  
28 still there. Oh now I think I remember. Wait a  
29 minute. It was a ship going downstream, but he didn't  
30 give me the name. He wasn't sure of the name and so





1 French

2 I didn't make any inquiry, first because there was no  
3 danger except risk for the passengers, and I never  
4 saw the pilot since that day. If I had seen him I  
5 would have spoken to him about it.

6 Q. This is a letter from the Minister  
7 of Transport dated August 23rd, 1961. Do you know the  
8 contents of this letter?

9 A. Oh yes, certainly.

10 THE CHAIRMAN: Would you have many questions  
11 on this document, and are there other documents?

12 MR. JACQUES: There are a number.

13 THE CHAIRMAN: If such is the case we are  
14 going to adjourn for a few minutes.

15 MR. JACQUES: This is Exhibit 649, a  
16 letter from the Minister of Transport sent to Mr.  
17 Meheux on August 23rd, 1961 explaining how to calculate  
18 the effective pilot.

19  
20 ---EXHIBIT NO. 649:

Letter from the Minister  
of Transport sent to Mr.  
Maheux explaining how to  
calculate the effective  
pilot.

21  
22  
23  
24 THE CHAIRMAN: We will adjourn for a few  
25 minutes.

26  
27 ---A SHORT RECESS.

28  
29 ---FOLLOWING THE RECESS:

30 MR. JACQUES: With reference to the last





1 French

2 Exhibit, Exhibit 649 which explains how to calculate  
3 the number of effective pilots, I would like to show  
4 you Exhibit 589 which was filed at the beginning of  
5 the hearings in Quebec and which refers also to the  
6 effective pilots. When you prepared Exhibit 598 did  
7 you follow the principles explained in Exhibit 649?  
8 Is that the same method that you used?

9 A. I don't think so for 1958, 1959  
10 or 1960 because the letter is dated the 23rd of  
11 August, 1961.

12 Q. You couldn't have made retroactive  
13 calculations?

14 A. No, because we didn't have such data  
15 for those years.

16 Q. So from where would these details  
17 come?

18 A. Well, during these years to calculate  
19 the effective number of pilots we would take the number  
20 of trips made by pilots and compare with the average.  
21 For explain if you have made 100 trips each and if there  
22 is one -- if one made 80 trips then his effectiveness  
23 would have been 80 per cent.

24 Q. So this document was prepared in your  
25 office which is 598. I would like you to verify how  
26 each year you verified the effective number of pilots.

27 A. Well, for 1958, 1959 and 1960 it  
28 was quoted on the basis of the trips, and now on the  
29 daily basis, as in the letter, the 23rd of August,  
30 1961, so I am sure that 1958, 1959 and 1960 we haven't







1 French

2 been able to make calculations.

3 Q. I would like you to check because  
4 I would like to be sure because there is no variation  
5 in the effective number of pilots from one year to  
6 another, so please check.

7 A. I will do my best to satisfy you.

8 Q. I see that you have with you a list  
9 of pilots with, in front of each name, the date at  
10 which their licence was granted and the date at which  
11 their licence as apprentice was granted. I would  
12 like to file this Exhibit as No. 650. I haven't enough  
13 copies of this document, but tomorrow morning we will  
14 have enough copies to distribute to all people concerned.  
15 This is a list of pilots giving for each pilot the  
16 date on which the licence, the pilot's licence and  
17 the apprentice licence was granted.

18  
19 ---EXHIBIT NO. 650:

List of pilots with date  
of granting of pilot and  
apprentice licences.

20  
21  
22 MR. JACQUES: Here is a letter dated the  
23 7th of November, 1957 addressed to Mr. Albert Hamel,  
24 Superintendent of Pilots from Wilfred Menard, Secretary-  
25 Treasurer of the Pilots' Association. Will you take  
26 a look at this letter and tell us if you have seen that  
27 letter before and tell us about the content of the  
28 letter, what is the subject matter?

29 A. It is the trial trip which was given  
30 on -- it is about the way to do the trials.





1 French

2 Q. The other witness said that you knew  
3 all about this thing. This letter will be filed as  
4 number 651, letter of the 7th of November signed by  
5 the Secretary of the Association to the Superintendent.

6  
7 ---EXHIBIT NO. 651:

Letter dated November 7th,  
1957 addressed to Mr.  
Hamel from Mr. Menard.

8  
9  
10 Q. Can you tell us if any pilot would  
11 refuse to board a ship at night in Bagotville or  
12 Chicoutimi?

13 A. I don't know. This may be possible,  
14 but I have no knowledge of this.

15 Q. Who could answer this?

16 A. Probably the Authority in Chicoutimi  
17 and Bagotville Harbour, if they know the reason why  
18 the ship has been delayed.

19 Q. A pilot who refused to go by bus  
20 to Chicoutimi or Bagotville, that is what I mean?

21 A. No, there is no bus to go at night  
22 anyway.

23 Q. By private car?

24 A. Well, this very seldom happens.

25 Q. Last year in Escoumains, do you  
26 know that a number of pilots haven't been able to  
27 disembark in Les Escoumains?

28 A. Yes, I know there are a number of  
29 pilots.

30 Q. Can you give us some details on these







1 French

2 instances?

3 A. Well, the weather was too bad. There  
4 was very poor weather and possibly the ship would have  
5 to wait for too long a time so the pilot had to stay  
6 on board.

7 Q. Do you know how many pilots had to  
8 be kept on board?

9 A. I couldn't give you any number, but  
10 maybe five or six, approximately.

11 Q. When the CITADEL was operating did  
12 such cases happen in Father Point?

13 A. Yes, it happened.

14 Q. Even with the CITADEL. Can you tell  
15 us if it is more frequent now that the pilot boats  
16 have been changed?

17 A. Yes, it is more frequent now than  
18 before, but I can't give you any number. I think  
19 when the CITADEL was operating -- I remember one case,  
20 but there may have been others.

21 MR. IALONDE: On this answer, my lord, could  
22 the witness make verifications spread over a number  
23 of years -- not over 50 years, but a few years to support  
24 or contradict this statement that he said that up to  
25 now there are more.

26 THE CHAIRMAN: I think the change was made  
27 three years back now. Could you make the check for  
28 10 years, 7 years before and three years after. Could  
29 you give us that information?

30 THE WITNESS: Yes, I think so.





/RPS 1 French

2 Q. As usual, I have a report of the  
3 the incidents or accidents in the Quebec District  
4 for the period 1956, 1962. Most of the counsel know  
5 all the details of these reports. It would be filed  
6 under No. 652.

7  
8 ---EXHIBIT NO. 652: Report of accidents in the  
9 Quebec District for the  
10 period 1956, 1962.

11 Q. And I have the balance sheet of the  
12 Quebec pilots, for the pension fund for the period  
13 1958 to 1962.

14  
15 ---EXHIBIT NO. 653: Balance sheet of the pension  
16 funds of the Quebec pilots  
17 for the period 1958 to  
18 1962.

19 MR. JACQUES: These are photocopies. If  
20 they have to be identified, I am going to call the  
21 witness back, Mr. Menard, because he signed these  
22 copies.

23 MR. LALONDE: I have no objection. It  
24 seems to be a true copy.

25 THE CHAIRMAN: I think we will ask Mr.  
26 Menard to identify these copies when the present  
27 witness has finished his evidence.

28  
29 CROSS-EXAMINATION BY MR. LALONDE:

30 Q. Mr. Maheux you have given Exhibit 647,





1 French

2 list of the apprentices of the Quebec District. You  
3 have stated that these pilots were doing their  
4 apprenticeship under the old system.

5 A. By "old system" I mean before 1960.

6 Q. But on this list you have half the  
7 apprentices, which are apprentices since 1961, so  
8 Joseph Thibault, 25, April 1961 -- do the apprentices  
9 operate under the new rules? Are they doing it under  
10 the old system or the new system?

11 A. Of what system are you talking about?  
12 You say the old and new. Which one?

13 Q. I am the one asking which one because  
14 you said this morning that they are all doing their  
15 apprenticeship --

16 A. Well look, when I said they were  
17 all doing it under the old system, I mean that they  
18 were on the list of candidates. Now I would like to  
19 give a definition as to the two systems because I  
20 understand all the apprentices are under the same  
21 rules and these rules have been amended at different  
22 times.

23 Q. Don't you think it would be simpler  
24 to say that you cannot give evidence on this? You  
25 cannot say if they are doing their apprenticeship  
26 under one system or the other?

27 A. Yes, I will accept that.

28 THE CHAIRMAN: Who could give us this  
29 information?

30 THE WITNESS: Well I think that Captain







1 French

2 Allard, or perhaps even those who created both systems,  
3 or one of the two systems, could give you this inform-  
4 ation.

5 MR. LALONDE: It was my intention to call  
6 as a witness, Captain Lafleur who is extremely active  
7 in the field of apprentices and who could give us the  
8 information concerning the preparation and programming  
9 of such a system.

10 THE WITNESS: He certainly is far more  
11 competent than I am in that particular field.

12 Q. Now Mr. Maheux Exhibit 649 refers  
13 to the way of figuring the number of effective  
14 pilots, and it is entitled "Number of Pilots Available  
15 Daily for Assignment to Duty or on Regular Annual  
16 Leave". Is there a list of regular annual leave here?

17 A. Well not in the Quebec District.

18 Q. So when you figure the number of  
19 effective pilots since 1961, you take into account  
20 simply the time of the daily assignment duty. In  
21 the last analysis in the assignment list that you have  
22 filed this morning, Exhibit 643, as it relates to  
23 Quebec, you take down all the names except those who  
24 are indicated as absent?

25 A. Yes.

26 Q. And with that you finally reach the  
27 end of the month with the theoretical number of effect-  
28 ive pilots. So this morning you stated that on the  
29 average there were about 12 absentees. Now if you  
30 look at the Exhibit before you, 589, you are going to





1 French

2 see, and I will be satisfied to take 1961 and 1962  
3 because prior to that you indicated there was another  
4 basis for the computation, but let us be satisfied  
5 with the years 1961 and 1962 and we reach a total  
6 of 69.55 effective pilots in 1962, and 71.3 in 1961,  
7 which would leave an average of absent pilots on your  
8 list of 7.45 pilots, and of 5.7 pilots on an average  
9 during these two seasons. Now would I be correct to  
10 say that the average of 12 absentee pilots that you  
11 have mentioned is much too high for the year 1961?

12 A. This morning, first of all, we must  
13 understand about a certain period of time where there  
14 are more pilots on leave than at any other time. This  
15 morning I was asked how many pilots might be absent  
16 more or less regularly so I said 10 or 12. Well during  
17 the whole year, if we have only the figure of 7.45,  
18 I do not object to that figure but I still maintain  
19 on the more oreless regular basis there are about  
20 12 pilots on the average that are absent.

21 Q. There might be periods where 12  
22 pilots are absent, but if these figures are correct,  
23 we are talking about the same basis because if we  
24 talk about an average for the year, the figure which  
25 should be taken into account should be either 5.7  
26 or 7.45. This would be an accurate figure?

27 A. Yes, for the whole year.

28 Q. You also have filed as Exhibit 645  
29 the number of trips in the Quebec District for each  
30 pilot for the years 1960, 1961 and 1962?







1 French

2 A. Yes.

3 Q. On the item titled "Number of Trips"

4 I suppose that the trips shown here are only the  
5 trips that were made. You do not have, for example,  
6 the turns allotted to the administrators and so forth?

7 A. No.

8 Q. In the second phase, insofar as the  
9 trips to the Saguenay are concerned from Quebec, for  
10 example to Chicoutimi, you stated this morning that  
11 usually a turn and a half is allotted but is it not  
12 true that this is calculated only as one trip on  
13 Exhibit 645? I would like to draw your attention  
14 especially to the fact that there are no half turns  
15 indicated there.

16 Q. Well this was given by pilotage card.

17 THE CHAIRMAN: That is the pilotage charge.  
18 Is there a pilotage bill per trip?

19 THE WITNESS: On the same pilotage bill there  
20 might be indicated a turn -- for example, if we take  
21 the bill itself, well the company who pays the bill  
22 for Quebec-Port Alfred pays only one-quarter of it and  
23 the pilot is allotted one turn and a half and what I  
24 am giving there is the number of bills, not the number  
25 of turns.

26 THE CHAIRMAN: Let us say, for example,  
27 that a ship stopped at the Lauzon docks and a few days  
28 later he would come back to Quebec. Would there be  
29 two bills?

30 Q. As we are talking about these movages





1 French

2 are they shown, or indicated on these documents?

3 A. No.

4 Q. So you don't have any ship movages  
5 in Exhibit 645?

6 A. No.

7 Q. In the case of test trips from Lauzon,  
8 is it not a fact that only the one card is made up  
9 for many trips?

10 A. Well now this is the practice, yes.

11 Q. Are they indicated here as only  
12 one trip or are they included as separate trips?

13 A. Well I don't think that previously  
14 we used to make one card for many trips. There was  
15 only one turn for one pilot.

16 Q. As recently as 1962?

17 A. I would say up to 1963 before we  
18 made only one. I think that even now at the present  
19 time we don't prepare only one card for many trips;  
20 usually we make two.

21 Q. In Exhibit 644, which is a statement  
22 showing the number of days of absences, is it not  
23 true that you indicate as absent on that list a  
24 pilot, for example, who would arrive after midnight  
25 and who would ask not to see his name put on the list  
26 at nine o'clock the next morning, but until the day  
27 after?

28 A. Yes.

29 Q. This has happened?

30 A. Yes.





1 French

2 Q. So any pilot, for example, who would  
3 arrive between midnight and nine o'clock in the morning  
4 and who would ask for his name to be put only on the  
5 following day's list, in order to get a rest, is  
6 considered in this Exhibit 644 as being absent?

7 A. Well as having had 24 hours more.  
8 This is normal.

9 Q. This is one day of absence. In the  
10 last analysis you put a credit, or rather this pilot  
11 is counted one day absent as he was unable to see his  
12 name put up on the assignment list at nine o'clock on  
13 the day of his arrival because he arrived only the  
14 preceding day.

15 A. Well I would say that he did not  
16 want it.

17 Q. Let us say, for example, that a  
18 pilot arrives there at eight o'clock in the morning and  
19 he asks you not to put his name on the day's list at  
20 nine o'clock, he is charged with one absence in the  
21 statistics here?

22 A. I would like to give an explanation.  
23 Usually a pilot who gets there at eight o'clock in the  
24 morning, and whose name would be put on the list  
25 immediately, it does not mean he would leave on the  
26 same day.

27 Q. Well it might mean that too?

28 A. In the case, for example, of a  
29 busy day but ---

30 MR. JACQUES: One moment please. I would







1 French

2 like him to finish his answer.

D2 3 A. The pilots do not have so many  
4 turns; even if they get there at eight o'clock in the  
5 morning, they are, with few exceptions -- he can't  
6 expect to leave at noon the same day or even in the  
7 evening. Sometimes he might leave in the course of  
8 the night or the next morning. If he asked to have  
9 his name put on the list only 24 hours later, well  
10 he is going to have a day's absence.

11 Q. Is it not true that in the fall  
12 especially you have frequently occurrences where pilots  
13 have to leave on the same day and quite often?

14 A. Well it may happen a few days during  
15 the fall.

16 Q. Could you please check that?

17 A. Well we never liked -- I don't think  
18 that a pilot who arrives at two o'clock in the morning  
19 is forced to leave again. It happens. I am not  
20 telling you that it never happened.

21 Q. Now another question. You mentioned  
22 the rate of the flow of traffic on the St. Lawrence .  
23 Is there a great deal of traffic on the Monday?

24 A. Well less on the Monday than any  
25 other day.

26 Q. So if there is less on the Monday  
27 it leads us to understand that there is more on the  
28 other days?

29 A. Well certainly there is more on the  
30 other days.





1 Q. How come there is less on Monday?

2 A. The shipowners don't work on Sundays  
3 and one ship is not ready to leave on the Sunday and  
4 whereas in certain cases, for example, like overtime  
5 to stevedores or other hands, they decide to detain  
6 the ship and they go on loading or unloading the  
7 ship on Monday. They go on doing the work they did  
8 not finish on the Saturday. They do it on the Monday.

9 Q. But as a general rule do you not  
10 feel there is a type of increase on the Saturday?

11 A. Well I was saying if there was more  
12 activity on the Friday, so I answered for the Friday,  
13 not for the weekend.

14 Q. But you notice that there is more  
15 activity during the weekend?

16 A. Yes, for the reasons that I indicated.  
17 This is my own personal belief.

18 Q. Now you also look after the Quebec-  
19 Three Rivers section. Is it not true that in the  
20 Quebec-Three Rivers section a pilot who arrives at  
21 two o'clock in the morning, let us say, and whose  
22 name is put back on the list at nine o'clock in the  
23 morning will probably be called to leave again on the  
24 same day?

25 A. Yes.

26 Q. And is it not a fact that for the  
27 pilots of Quebec-Three Rivers, the number of trips  
28 is far more because of that, and, on the other hand,  
29 any pilot arriving at two o'clock in the morning and  
30 who would ask to see his name not put on the list in







1 French

2 the morning at nine o'clock, a day's absence is  
3 credited to him?

4 A. Well that is why -- not in that  
5 case, because in Quebec-Three Rivers this does not  
6 occur because if his name is not put on Quebec-Three  
7 Rivers then sometimes he may be called to leave 10  
8 hours later, after his rest.

9 Q. So you don't have the same  
10 regulations for Quebec-Three Rivers as for the District  
11 of Quebec proper?

12 A. No.

13 Q. Do you know the reason why the  
14 basis for the computation of the effective pilots was  
15 changed in 1961?

16 A. No. I wasn't given any explanation.  
17 I was just given orders.

18 Q. Thank you.

19  
20 CROSS-EXAMINATION BY MR. LANGLOIS:

21  
22 Q. Mr. Maheux without wanting to force  
23 you to look at the four special files you had before  
24 you a while ago, is it not a fact that in those four  
25 cases no definite decision was made by the Pilotage  
26 Authority up to now?

27 A. Well these four cases are not  
28 settled to my own knowledge, at any rate.

29 Q. Now in certain of these cases you  
30 have mentioned the fact that the pilot was taken off the





1 French

2 turn. Is it not true to say that every time that you  
3 ask a pilot to give a report, or that Ottawa asks you  
4 to obtain a report from a pilot concerning a given  
5 aspect of his pilotage, and that he delays in submitting  
6 such a report, then automatically the pilot is suspended?

7 A. No. Well insofar as the turn is  
8 concerned, if he delays too much then we can take him  
9 off the assignment list in order to force him to  
10 submit his report.

11 Q. And this happens frequently?

12 A. Well often. Usually the pilot  
13 sends his report as soon as possible, and then he  
14 goes on working and he is not struck off the assignment  
15 list.

16 Q. Now you have talked about certain  
17 reports received from ship masters. Did you not  
18 receive a report from pilots who complained about  
19 ship masters who were intoxicated or who were under  
20 the influence of alcohol?

21 A. Well I don't remember. If certain  
22 reports were made, they were not sent to me. It could  
23 happen that some of these reports may have been sent,  
24 but not to me. I cannot tell you unless the pilots  
25 did not think such small incidents were important.  
26 That is highly possible.

27 Q. I would like now to stress for the  
28 Commission's information what you mean exactly when  
29 you say that certain pilots failed to disembark at  
30 Les Escoumains. What do you mean by that?





1 French

2 A. Well certain pilots were taken to  
3 Europe. Others disembarked further at Baie Comeau,  
4 for example, or in that fall at Sydney. Even Seven  
5 Islands. There was a fall, for example, where a few  
6 of them, and I cannot say exactly if the CITADEL was  
7 on duty that year, but I know that the fall was a hard  
8 one when the pilots disembarked at Sydney and there  
9 was a type of agreement with the Sydney pilots. They  
10 sent a message and they went off over there.

11 Q. Does it happen often that they are  
12 sent to Europe?

13 A. Well it happens sometimes. I would  
14 have to look in the files in order to find out how  
15 many times it happened.

16 Q. Well do you know what type of  
17 remuneration is paid the pilot not disembarked at the  
18 Pilotage Station?

19 A. Well he is paid.. That is a fact.  
20 There is an allowance. I think it's about \$10 a day,  
21 plus the expenses for the return trip and naturally,  
22 of course, the per diem while away.

23 Q. My lord, in order to complete such  
24 information, without giving evidence myself, this is  
25 in accordance with Section 3059 of The Merchant Marine  
26 Act where there is a per diem allowance of  
27 \$15.

28 THE CHAIRMAN: Is this amount paid to  
29 the fund?

30 THE WITNESS: No my lord.







1 French

2 THE CHAIRMAN: The pilot who is taken  
3 to foreign countries, does he lose his turn here in  
4 the meantime?

5 THE WITNESS: No. Everything depends  
6 upon the circumstances of course, but usually our  
7 office counts through the Corporation Office the  
8 average of all turns if he did them. In olden days  
9 not only did he not lose his turns but he was getting  
10 the ones he had lost.

11 Q. Is it not true that the number of  
12 trips of an absent pilot are given by the Corporation?

13 A. This is what I said.

14 Q. In other words a pilot's colleagues  
15 are the ones who pay for the one that is absent?

16 THE CHAIRMAN: This is one of the risks  
17 of the profession.

18 MR. LANGLOIS: A risk my lord? This is  
19 to the advantage of the shipowner because this way  
20 he does not delay his ship. He prefers to see to it  
21 that the pilot is paid rather than to delay his ship,  
22 so he prefers to pay \$15 a day. For ocean going  
23 vessels this is quite inexpensive.

24 Q. Now I go on to Exhibit 652, and  
25 before asking any questions of the witness my lord  
26 I would like to make the same comment as the one I made  
27 in Montreal concerning the description.

28 MR. BRISSET: Before my colleagues goes  
29 any further with his cross-examination, I would like  
30 to correct a detail that has been given beforehand.





1 French

2 The amount paid pilots brought outside their District  
3 is neither \$10 or \$15, but \$25 per day in accordance  
4 with the amendment brought forth in 1958.

5 MR. LANGLOIS: The amendment to what?

6 MR. LALONDE: My lord, there was a certain  
7 time where the shipowners, because they were very  
8 generous, consented to an increase beyond that provided  
9 by the law. Finally they had second thoughts about  
10 their generosity, and that is why they came back to  
11 the old rate of olden days, that is of \$15 a day.

12 THE CHAIRMAN: This must be the bill which  
13 you don't recall.

14 MR. LANGLOIS: My lord, I have two cases  
15 where I tried to see that a pilot was paid and the  
16 shipowners refused to pay that amount. My lord I  
17 was starting to ask a few questions to the witness on  
18 Exhibit 652, and finally I find out that the witness  
19 himself did not file this Exhibit but while I am  
20 standing, I would like to make the same comment that  
21 I made in Montreal concerning a similar exhibit,  
22 the description of this is entitled "Reported Casualties  
23 Involving Pilots in the District of Quebec in 1962".  
24 This implies they would have been mistakes on the  
25 part of pilots. When you read the exhibit itself we  
26 see that in many cases, that in most cases rather the  
27 pilot is not responsible for the accident.

28 THE CHAIRMAN: The same comment that you  
29 made in Montreal. Is Exhibit 652 filed at the present  
30 time?







1 French

2 MR. LANGLOIS: Not by this witness.

3 MR. JACQUES: No my lord I filed it myself  
4 for the benefit of the counsel before the Commission.  
5 However, the files concerning every incident mentioned  
6 in Exhibit 652 may be at the disposal of the counsel  
7 if they so desire.

8 THE CHAIRMAN: So if the counsel wish to  
9 ask questions concerning these accidents or incidents  
10 they may do so and you will have the competent witness  
11 to that effect.

12 MR. JACQUES: Yes my lord.

DD3 13 MR. MASON: It is five o'clock my lord.

14 THE CHAIRMAN: Do you have any questions?

15 MR. MASON: Yes and Mr. Brisset too.

16 THE CHAIRMAN: We will adjourn to tomorrow  
17 morning at 10:00.

18  
19 ---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.,

20 WEDNESDAY, SEPTEMBER 10TH, 1963.

21  
22 \* \* \*



# ROYAL COMMISSION

ON

## PILOTAGE

### HEARINGS

HELD AT

QUEBEC CITY  
QUEBEC

VOLUME No.:

61A

DATE:

Sept.11, 1963

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing  
held at the Court House,  
Quebec City, Quebec, on the  
11th day of September, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset	for the Shipping Feder- ation of Canada
Mr. C. Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid- St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots

\* \* \* \* \*







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\* \* \* \* \*







Quebec City, Quebec  
Wednesday  
September 11th, 1963 7246

RPS

1 English

2 ---ON COMMENCING AT 10:00 A.M.

3 JOSEPH ARTHUR MAHEUX, Re-Sworn

4

5 CROSS-EXAMINATION BY MR. MASON:

6

7 Q. Mr. Maheux, yesterday you discussed  
8 briefly four cases involving various infractions on the  
9 part of pilots and you mentioned that an inquiry was  
10 held. Now, who carries out these inquiries?

11 A. The Department of Transport.

12 Q. Is there anybody in particular,  
13 any one official who carries out all inquiries?

14 A. Not that I know of. Somebody is  
15 appointed to make a certain inquiry.

16 Q. What form do these inquiries take?

17 A. In fact I have never been on the  
18 Board during an inquiry.

19 Q. There is a Board?

20 A. There is a Board -- as a mentioned  
21 yesterday I was there when he was supervisor. During  
22 the time I am serving as Acting Supervisor I have never  
23 been on the Board. I have always transferred the  
24 matter to my superiors.

25 Q. Those are your superiors in Ottawa?

26 A. Yes, sir.

27 Q. How long have you been acting as  
28 local Supervisor, as I understand it?

29 A. Since the last 1st of May.

30 Q. 1st of May last?





1 French

2 A. Yes.

3 Q. Have there been any of these incidents  
4 since that time?

5 A. Not that I know of.

6 Q. Not that you know of.

7  
8 CROSS-EXAMINATION BY MR. BRISSET:

9 (THROUGH THE INTERPRETER.)

ench 10  
11 Q. Mr. Maheux, I would have a number  
12 of questions to ask you which don't directly come  
13 under your jurisdiction as Supervisor and which don't  
14 relate to this happenings during your time as Supervisor.  
15 If you prefer those who were on duty at the time  
16 would come and give evidence please tell us so.

17 A. Well, I would try to give evidence.  
18 If I can't answer I will tell you.

19 Q. I understand that before the 1st  
20 of May, 1963 you were in the Signal Service?

21 A. Since 1958.

22 Q. When you were assigned there you  
23 had your office in the Pilotage Office here in Quebec  
24 and you were in direct relationship with the Pilotage  
25 Office and events taking place there.

26 A. Yes.

27 Q. Before taking up your duties, such  
28 duties, you were the chief dispatcher?

29 A. Yes.

30 Q. Can you take Exhibit 642 and keep it





1 French

2 In front of you. These are about the rules of dispatch-  
3 ing. Mr. Maheux, could you take Rule No. 14 which  
4 reads:

5 "When he is called to take up his  
6 "turn a pilot shall go to the station by  
7 "whatever means available, train, bus,  
8 "private car, taxi in order to reach the  
9 "office in time."

10 Does this mean that every pilot called to  
11 take up duty must, in Quebec, must report to the Pilot-  
12 age Office in Marche Champlain?

13 A. Not necessarily at the office. Let  
14 us suppose a ship is in the harbour and we call a  
15 pilot at home. We tell him to go and board at such and  
16 such a time, and it may happen and it does happen  
17 that the pilot goes directly to the ship.

18 Q. In the case of a ship which is  
19 going downstream or upstream though it is not tied  
20 up in Quebec, is it customary for the pilot to go  
21 through the office before boarding the ship?

22 A. No. He may go there.

23 Q. Reports to somebody in particular?

24 A. Well, automatically he goes in  
25 front of the dispatcher. There is only one hallway  
26 so he opens one door and it is very rare that the  
27 clerk doesn't see the pilot.

28 Q. When the pilot reports to the office  
29 are any measures taken to verify what is his state of  
30 health, are there measures taken to see what shape he is in?







1 French

2 A. No, but usually the clerk sees the  
3 pilot and he observes that he is in normal condition.

4 Q. Are there any instances where the  
5 clerk would advise the pilot and tell him you are not  
6 boarding the ship because you are not in proper  
7 condition?

8 A. Yes, it happens that in some instances,  
9 even at the clerk level, the clerk has all possibilites  
10 of preventing the pilot boarding a ship, but it happens  
11 there are some instances, but very few, at times the  
12 clerk will say to the pilot you should change your  
13 turns and the pilot changes the turn and that was the  
14 end of it. There are circumstances where the clerk  
15 has been authorized to take such action, and I think  
16 any clerk in Quebec has done so.

17 Q. Mr. Maheux, now can you take Rule  
18 20 which reads:

19 "A pilot who refuses to board a ship  
20 "after 10 hours of rest is then taken  
21 "out of the list and is reported to the  
22 "Supervisor."

23 Do I understand that every pilot in the  
24 District is granted, in the Quebec District or Montreal  
25 District, a 10-hour period rest between each assignment?

26 A. Well, in the Quebec District such  
27 a rule is in practice never implemented because we  
28 always have enough people to grant more than 10 hours.  
29 In the Montreal District it may happen -- even in the  
30 Quebec District in the fall when they take up two





1 French

2 pilots and there is more traffic also, it may happen  
3 that they don't get 10 hours, but up to my knowledge,  
4 this rule is to grant 10 hours, and if you read this  
5 rule, then when the pilot refuses to board -- it would  
6 be normal that he would ask for this 10-hour rest and  
7 10 hours be granted. As far as I know in the Quebec  
8 District it was never really implemented. In the  
9 Quebec District it happens that the pilot would only  
10 get eight hours or nine hours, nine and a half and he  
11 still boards a ship.

12 Q. The point I want to stress is what  
13 is the practical application of these rules, and please  
14 correct me if I am wrong: I read in this that if a  
15 pilot doesn't have 10 hours rest he has the right to  
16 refuse to embark and his case wouldn't be reported to  
17 the Supervisor so this is the only way you apply this  
18 rule.

19 A. Yes.

20 Q. Would you now take Rule 31C which  
21 reads:

22 "When a pilot of Class B is first  
23 "in turn and is followed immediately by  
24 "pilot of Class C2 each of them take their  
25 "respective turn." Can you explain to us  
26 what is the practice, what is the meaning?

27 THE CHAIRMAN: You said C2 -- are you  
28 reading 31A?

29 MR. BRISSET: No, 31C.

30 THE WITNESS: Well, it applies mostly in







French

the Montreal District, even if it is the Quebec rules, but the case is this: when a Class C2 pilot becomes first in turn and is followed by a B when the list is made up in the morning we consider that both of them are first in turn, both of them are considered as being first on the list.

Q. So if a ship which requires a class B pilot comes in he will embark a class B pilot, and if a ship is class C2 the C2 pilot will embark. You have the same rules applying in A and B of this same Article?

A. Yes.

Q. The interpretation is the same?

A. Yes.

Q. Now, please take up Rule 37:

"A margin of two turns is granted to  
"change a turn."

Can you explain how this is applied in practice?

A. Well, let us suppose that a pilot is 45. He can change with any other pilot, if such pilot agrees if there is a margin of two turns, that is 47 or 43.

Q. So a man with 45 turns can change with a man who has 47, but not with 43?

A. Yes, also yes. The margin applies both ways.

Q. So you couldn't change with 48 turns or 42 turns?





French

A. No.

THE CHAIRMAN: The reason is that the margin will become too large, too wide.

THE WITNESS: Yes, certainly.

Q. Can you take now Rule 41 which reads:

"Turns are calculated as follows:

"(a) one turns for more than half a rate,

"one half turn for half a rate or less."

You told us yesterday that the Quebec District is divided in three, Quebec, Baie des Oies, Quebec-Saguenay River and Saguenay River-Les Escoumains. If I understand the application of this rule, to take a concrete example, the pilot who leaves Quebec and doesn't go as far as Baie des Oies is granted a half a turn and he comes back, if the ship comes back to Quebec he receives one turn.

A. No, he will receive two half turns which is exactly one turn.

Q. If he goes between Baie des Oies and the Saguenay River he receives one turn?

A. For each trip.

Q. If he comes back he get another turn which makes two turns, and the same system is applied if you leave from Les Escoumains.

A. Yes.

Q. Mr. Maheux, can you refer now to Rule 42 which reads:

"When a pilot is granted turns for  
"Committee meetings or for any other reasons





1 French

2 "they shall be credited to him as far as  
3 "he is entitled to it."

4 For 1962 or 1963 do you have the statistics  
5 of turns granted which had been applied to trips made  
6 by the pilots?

7 A. I don't have it here, but that could  
8 be produced. Yes, turns have been granted. We have  
9 received a letter from the Committee, from the Secret-  
10 ary of the Corporation asking us to grant turns.

11 Q. Could you give us a list of the turns  
12 granted for the 1962 season for trips which weren't  
13 made in practice?

14 MR. JACQUES: I would like to ask the  
15 same statistics be given for the seasons 1960, 1961  
16 and 1962. I am asking for the two preceding seasons  
17 because the 1962 season may not be representative  
18 of the average because the Commission was already  
19 advertised.

20 MR. BRISSET: What will be the exhibit  
21 number?

22 THE CHAIRMAN: The list will be Exhibit 654.

23 THE WITNESS: I may not be able to produce  
24 this list today.

25  
26 ---EXHIBIT NO. 654:

List of turns granted  
for the 1960, 1961, and 1962  
and 1963 seasons which  
were not made in practice.

27  
28  
29  
30 Q. Mr. Maheux, would you take the last







1 French

2 part of Rule 45 which reads:

3 "Any pilot who cannot get 10 hours after

4 "arrival in Quebec misses his turn is

5 "credited for one movage."

6 Can you explain this?

7 A. Well, I have to read the whole  
8 paragraph. This applies only to the movage list, the  
9 movage list which I gave yesterday. If we call on a pilot  
10 without 10 hours rest and if he refuses to make a  
11 movage we consider that he has made it.

12 Q. So you credit him with one movage  
13 or one turn?

14 A. I don't know if it is implied in  
15 practice as in the Rule.

16 Q. The movage isn't the equivalent of  
17 a turn.

18 A. Oh, oh no, it is not a real turn.  
19 It is a movage turn.

20 Q. As far as movages are concerned,  
21 are pilotage dues, are they paid into the common fund?  
22 Are these dues paid to the pilot concerned?

23 A. In the movage, the pension -- all this  
24 is paid into the fund except the 10 per cent going  
25 to the pension fund.

26 Q. When you say that he is credited for  
27 a movage you mean that he receives a turn in the list  
28 for the movage?

29 A. Yes.

30 Q. This Rule doesn't apply, hasn't any





1 French

2 monetary effect except for the pilot who is credited  
3 for one turn. Could you now refer to Rule 58 which  
4 reads:

5 "No pilot can undertake a pilotage  
6 "outside the District unless he has serious  
7 "reasons and receives written permission  
8 "from the Supervisor."

9 In fact is any pilotage done by the Quebec  
10 District pilots outside of the limits of the District?

11 A. Yes, such a thing has been done,  
12 but not for the last year.

13 Q. Is pilotage done as far as Baie  
14 Comeau or Seven Islands?

15 A. Yes, it has been done.

16 Q. But you said this year it has not  
17 been?

18 A. No, it is not done any more.

19 Q. There must be a reason for such a  
20 rule.

21 A. I think for now they have pilots  
22 in Baie Comeau and Seven Islands.

23 Q. In Rimouski Harbour?

24 A. I think there is a pilot.

25 THE CHAIRMAN: You think there is a pilot  
26 there but not a licensed pilot.

27 A. I am not sure if he is licensed  
28 or not.

29 THE CHAIRMAN: A harbour pilot, but it is  
30 your jurisdiction.







1 French

2 Q. This harbour is within your District?

3 A. Yes.

4 Q. Now, Mr. Maheux, if any such pilotage  
5 is done is the payment of the pilots established by  
6 the office or is it established by an agreement between  
7 the shipper and the pilot?

8 A. As I told you it isn't done any more  
9 but when it was done the pilot was making his own  
10 arrangements and we couldn't interfere.

11 Q. So such income was not coming into  
12 the common fund.

13 A. No.

14 Q. To come back to the movage, Mr. Maheux,  
15 you showed us a list of turns for a particular day  
16 and you told us that some pilots were offering their  
17 services. When there is a movage inside Quebec  
18 Harbour is it the office who gets in touch with the  
19 pilot or is it the agent?

20 A. No, everything goes through the  
21 office.

22 Q. Are there any instances where you  
23 had to inform the agents that you had no pilot avail-  
24 able and that they should make their own arrangements  
25 and to help them you givethem some names.

26 A. I don't remember that it was presented  
27 to us in such a way. It could happen and it does  
28 happen that an agent would ask a pilot to make a  
29 movage, that he would ask a number of things,  
30 if the pilot would need tugs or if he would not need





1 French

2 tugs, and at that time it is not up to the clerk to  
3 give answers so at that time we give the name of the  
4 pilot to the agent and we tell the agent to get  
5 the information directly from the pilot.

6 Q. In your experience do you know if  
7 there has been any lack of pilots in Quebec to do the  
8 movages?

9 A. No, not in my lifetime, not in my  
10 experience, or for the last 45 years or so.

11 Q. Mr. Maheux, can you please take the  
12 General Rules of the Quebec District. Mr. Maheux,  
13 you have in front of you the General Rules of the  
14 Quebec Pilotage District, general By-Laws. I would  
15 like to draw your attention to By-Law No. 15,  
16 sub-Paragraph 7 which reads as follows:

17 "except where he has been granted  
18 "leave of absence pursuant to Section 22,  
19 "a pilot, shall, during the season of  
20 "navigation, hold himself ready for  
21 "assignment by the Superintendent  
22 "to any vessel, and shall report to  
23 "the appropriate pilotage office  
24 "immediately upon the conclusion of any  
25 "trip or movage attended by him."

26 Can you please explain to me, Mr. Maheux,  
27 if in practice in the Quebec District this By-Law is  
28 interpreted as meaning that a pilot can't leave his  
29 duty without having the authorization of the Super-  
30 intendent?





1 French

2 A. Yes.

3 Q. If such is the case do you think  
4 in the course of the last two or three years this  
5 Section was implemented and enforced in your own  
6 District?

7 A. Well, enforced to the letter. - I  
8 don't know that a pilot ever absented himself during the  
9 navigation season without having obtained, first of  
10 all, the authorization to do so.

11 -

12 -

13 -







/RPS

1 French

2 I don't recall any such event.

3 THE CHAIRMAN: What is the interpretation  
4 given to "absentee"?

5 THE WITNESS: Well to ask for leave  
6 of absences for other reasons, while a pilot may ask  
7 for the authorization to have a little leave of two  
8 or three days, and so forth.

9 THE CHAIRMAN: Would it not mean also  
10 not to be present at his turn?

11 THE WITNESS: Well naturally if he asks  
12 for the authorization, well they will consider him  
13 as not being on duty because he has been granted a  
14 leave from duty.

15 THE CHAIRMAN: When a person's turn comes  
16 up, and he is absent, under the meaning of Paragraph  
17 157 --

18 THE WITNESS: Usually permission is granted  
19 when he asks for such permission.

20 Q. Now when permission is asked to the  
21 Supervisor, according to your own experience, taking  
22 into account what has occurred in the course of the  
23 past two or three years, to your own knowledge what  
24 were the reasons given in order to ask for a leave  
25 of absence?

26 A. Well as a general rule it is to  
27 have kind of a holiday, in order to take advantage of  
28 a few days, in order to go on a trip, and so forth.  
29 Kind of a rest period.

30 Q. In order words, if I am to understand





1 French

2 your answer, this is an absence which is not protracted;  
3 only an absence of a few days for one reason or another.  
4 That is a marriage in the family, and so forth?

5 A. Yes. Those reasons are good reasons  
6 for granting the requested leave.

7 Q. Now there are also certain leaves  
8 which are statutory in the sense there is agreement  
9 between the members of the Pilot Corporation of Quebec,  
10 according to which each pilot is granted a certain  
11 number of days leave of absence in the course of the  
12 season?

13 A. No, not in the Quebec District.

14 Q. So every time that a pilot is absent,  
15 in the sense that he doesn't want to accept work, he  
16 asks permission and these few days are granted to him,  
17 these few days of leave?

18 A. Yes.

19 Q. Now in the case where there might be  
20 a protracted absence, where the permission has been  
21 granted by the Supervisor or by your office, are there  
22 any inquiries made by your office or by the Authority  
23 in order to find out exactly what are the reasons for  
24 such absences? What is the request for such absence?

25 A. Well I never heard that we made  
26 any investigation or inquiry into such a case.

27 Q. Now Mr. Maheux I would like you to  
28 take before you Exhibit 644. I put numbers on the  
29 list that you have before you, putting a number next  
30 to the name of each pilot so that we may not have to







1 French

2 use the name of the pilot when revising certain of  
3 the cases shown on that list. Now would you please  
4 be careful and use only the number, instead of the  
5 name of the pilot. Consequently, never mention the  
6 name of the pilot.

7 THE CHAIRMAN: So if I understand properly,  
8 the last pilot on page 1 will be number 24?

9 MR. BRISSET: And the last one on the  
10 second page will be number 54 and the last pilot on  
11 page 3 is 80.

12 Q. Mr. Maheux would you please refer to  
13 pilot No. 5, and you will notice that in 1962 the  
14 days of absence in his case totalled 91 days, whilst  
15 in most cases, if you scan the list briefly, the  
16 average of absences is of about 20, between 20 and 30  
17 days. Taking this average, or this standard into  
18 account, is there any explanation how come there are  
19 91 days of absence as regard this particular pilot?

20 A. Well I think I can remember that  
21 the pilot was hospitalized for a long enough period of  
22 time, following a fracture.

23 Q. In the case of a sickness or disease,  
24 do you obtain a medical certificate?

25 A. Yes, we have been obtaining them  
26 for a while now. Well before this year the medical  
27 certificate was given to the Corporation directly and  
28 we could obtain a copy of such a certificate if we  
29 made a request for it. In most cases we did not  
30 demand it.





1 French

2 Q. But in the case you would demand  
3 a medical certificate, was that the attending physician  
4 of the pilot or that of a physician chosen by the  
5 office?

6 A. His own attending physician in most  
7 cases. Naturally, we always are entitled to have him  
8 examined by a physician from the Department of Health.

9 Q. Now according to your own knowledge  
10 was an examination required by a physician chosen by  
11 the office in the course of the past two or three  
12 years?

13 A. Yes, it did happen.

14 Q. In those cases were there any  
15 differences of opinion between the two physicians?

16 A. No.

17 Q. Consequently, there were no cases  
18 where the physical condition of the pilot was the basis  
19 of litigation or a dispute between two physicians?

20 A. No, I don't think so. I don't  
21 remember any case of that type, anyways.

22 Q. Now could you please refer to pilot  
23 No. 13 whose number of absences in 1962 totalled 94  
24 days. Could you please explain the reason for such  
25 a great number of days of absences, which is above the  
26 standard?

27 A. Well I know that, without having  
28 been hospitalized, I cannot vouch for his having been  
29 hospitalized or not, but I remember that he submitted  
30 a report to the effect that he was sick and that he had







1 French

2 to submit a medical certificate to the Corporation but  
3 I cannot assert such a fact.

4 Q. Now I would like to refer you to  
5 pilot No. 38. You indicate that in the years 1960,  
6 1961 and 1962 the days of absence were 275, 273 and  
7 275 respectively. Now is it true to say that the  
8 navigation season, concerning the number of days, is  
9 275 days?

10 A. Yes.

11 Q. So how come, if you can give me  
12 an explanation, that this pilot, who was absent during  
13 every consecutive season, is always shown as a pilot  
14 on duty in your own District?

15 A. If you had the list for the year  
16 1963, you would no longer see his name on the list.  
17 The By-Laws provide for the pilot to be absent for  
18 two years. This is what occurred. In 1961, if you  
19 notice, he made one trip and this is why he was absent  
20 for the 273 days but ever since that time his licence  
21 has been withdrawn for causes of absence.

22 Q. Now I would like to refer you to  
23 pilot No. 49 and it seems that in the year 1960, his  
24 days of absence were 273; in 1961, 168 days; and in  
25 1962, 151 days. About this particular pilot you have  
26 submitted to me a photostat of your office files  
27 indicating what were the days of absence of this  
28 given pilot during the years 1962 and 1963 and I would  
29 like you to look at this document, this exhibit and  
30 would you please give me some explanation as to how







French

you prepared such a document?

A. Each day of absence is represented by an X.

Q. In other words, you keep a booklet in which you enter the name of each pilot and this booklet is divided up into pages, with squares, one square for each day of each month of the navigation season and when a pilot is absent, you only make a check in that square?

A. This name is shown on the list as being absent. Then we just make a check in the square for the given day.

Q. Now would you please file these two documents as Exhibit 655.

---EXHIBIT NO. 655:

Two documents filed in a book which are photostats of the register of the booklet kept by the Quebec Pilot Office, in order to enter the number of days of absence during the navigation season.

Q. Now Mr. Maheux I have asked you to bring, amongst other things, the files for the pilot who is absent at the present time?

A. No, not for this morning did you? Not that file.

Q. At any rate, you know about this pilot's files?

A. Yes.

Q. Insofar as his days of absence in the





1 French

2 past three years, in all cases are you in a position  
3 to say that the pilot asked for and obtained permission  
4 to be absent, or to have a leave?

5 A. Well according to my own knowledge,  
6 because this permission was not asked from me, this  
7 pilot complained about rheumatism and certain discomforts  
8 and he obtained permission for the whole year and I  
9 think there was an agreement with the office of the  
10 Corporation as well in order to remunerate him accord-  
11 ing to what he was earning and that is why he had  
12 so many absences entered in his record.

13 Q. Insofar as absences shown on the  
14 record, in the course of these past three years, do  
15 you think the office or the superior authorities  
16 deemed it necessary to obtain a medical examination of  
17 this particular pilot?

18 A. Yes. I recall that on his record  
19 we have the proof that he had undergone such a medical  
20 examination but I wouldn't say if the certificate  
21 mentioned the fact that he was sick.

22 Q. I am sorry, I didn't understand what  
23 you said.

24 A. I remember that he had a medical  
25 examination but insofar as the results of such an  
26 examination, I couldn't vouch for the fact that the  
27 physician found this man sick. I think that in that  
28 particular case the given pilot was quite old, and  
29 especially during that period he was a widower. He  
30 had not too many family obligations. This is my own







1 French

2 interpretation. I wouldn't want you to think that he  
3 has confided in me but I think he was satisfied with  
4 earning less than the others by working less than the  
5 others because his needs were lesser than those of  
6 his colleagues. I mean this is my own personal opinion  
B2 7 about this particular pilot:

8 Q. Now in the case of repeated requests  
9 for leave for sickness or discomfort, or any other  
10 reason, does the Supervisor here in Quebec take it  
11 upon himself to see to it that the interested pilot  
12 is examined regularly by a physician here in order to  
13 determine the physical condition and his aptness to  
14 fulfil his duty?

15 A. Not periodically. There might be  
16 a medical certificate, but not on a regular basis.  
17 We accept the attending physician's report as being  
18 accurate.

19 Q. Do you remember, in the case of  
20 that particular pilot number 48, the checking office  
21 or the Ottawa Authority ---

22 THE CHAIRMAN: Excuse me, I think we are  
23 talking about pilot No. 49.

24 Q. Yes, 49. Do you remember if these  
25 authorities have requested a medical examination from  
26 an independent physician chosen by the Pilotage  
27 Authority?

28 A. The medical examination I referred  
29 to beforehand was made by the Federal Department of  
30 Health.





1 French

2 Q. In what year?

3 A. Well I think in 1960 or 1961. I  
4 couldn't be more accurate.

5 Q. Was not that an examination that  
6 a pilot is supposed to undergo at the age of 60?

7 A. It is quite possible, but I am not  
8 sure.

9 Q. But you don't remember, subject  
10 to correction, that there was a medical examination  
11 in the course of the past three years, or at least the  
12 last two years, 1962 and 1963 of this particular pilot?

13 A. Well I would have to look at the  
14 record.

15 Q. Could you please do so and give us  
16 the answer?

17 A. Certainly.

18 Q. Now I would like you to refer you  
19 to pilot No. 66, and you will see next to that pilot's  
20 name that in the year 1962 the total number of days  
21 of absences was 108. Could you please give us an  
22 explanation, if you can, for this abnormal number of  
23 days of absence?

24 A. Once more here there was a submission  
25 of the medical certificate.

26 Q. There was an examination made by the  
27 attending physician of the pilot?

28 A. Yes.

29 Q. And you have accepted this certificate  
30 without having an examination made by a physician chosen





1 French

2 by the office?

3 A. Yes.

4 Q. Now I would like to refer you to  
5 pilot No. 70 on your list and I would like to draw  
6 your attention to the fact that during the years 1961  
7 and 1962 this pilot had, in one case one hundred days  
8 and in the other case 116 days of absence. In the  
9 case of that pilot is there any particular reason for  
10 these absences?

11 A. Well, sickness, as supported by  
12 medical certificates or not, I don't know, but in many  
13 cases, at any rate, this pilot does submit medical  
14 certificates stating that his health was not too good.

15 Q. When a pilot asks for a leave, for  
16 reasons of health, is there a record kept in your  
17 books either that of the effective pilots or elsewhere,  
18 indicating the reason for the request for leave, the  
19 dates for which these leaves have been granted?

20 A. Unfortunately we don't have such a  
21 register or such records. Whenever we have a medical  
22 certificate, well it is put in the pilot's file and  
23 that is it.

24 Q. Now concerning pilot No. 70, is  
25 this the pilot whom you spoke about when you gave  
26 evidence yesterday?

27 A. Yes.

28 Q. And the pilot many times refused  
29 to board a ship when he had been assigned to that  
30 particular ship?







1 French

2 A. Well yesterday, if I recall correctly,  
3 I mentioned that in that case a mention was made that  
4 his last absence entailed an automatic suspension,  
5 so I had taken upon myself, as a disciplinary measure,  
6 to strike his name off the list because he had refused  
7 to board the ship. I don't think I mentioned the fact  
8 that he has been stopped so often but in fact he was  
9 stopped a few times but the majority of his days of  
10 absence were, as he explained himself, due to sickness.  
11 Consequently, they were sick leaves.

12 Q. Mr. Maheux, I imagine, as human  
13 nature is such, in certain cases, without being  
14 uncharitable, you may not believe that the reasons for  
15 which the leaves are asked, are always the right  
16 reasons. When you have such ideas, do you take it  
17 upon yourself, or does the Pilotage Authority start  
18 an inquiry?

19 A. No. I make a note that I am an  
20 interim Supervisor only since May last. According to  
21 my experience, no.

22 Q. Don't think that my comments are  
23 criticisms I am making to you.

24 A. Even if we have suspicions, usually  
25 we give the benefit of the doubt, generally speaking.

26 Q. So you don't remember that during  
27 the odd 20 years that you have been at the Quebec  
28 office there has been any inquiry made about pilots  
29 whose absences were protracted and repeated?

30 A. I have seen that in certain cases





1 French

2 inquiries were made. For example, a pilot that was  
3 supposed to be sick had to go to pass a medical  
4 examination at the National Department of Health. Now  
5 so far as the leaves themselves, well we have no  
6 possibility of checking if there is abuse in this  
7 leave or not, but generally speaking, and personally,  
8 I think that when a pilot asks for leave, well this  
9 leave is granted to him.

10 Sometimes one given pilot may take advantage  
11 more than the others of such leaves. I don't think  
12 that usually there is abuse about these leaves. It's  
13 only in cases of ill health so we accept the medical  
14 certificate of the attending physician, with the except-  
15 ion of a few cases like pilot No. 70 there.

16 Q. Now you say that you accept the  
17 medical certificate as being enough to justify the  
18 request for leave of absence, or the given absence,  
19 but the medical certificate that you accept, as such,  
20 in certain cases is it not sufficient reason for you  
21 to start an inquiry concerning the physical fitness  
22 of the pilot to accomplish his duty?

23 A. Well I told you that in a few cases  
24 we did not rely entirely on the medical certificate  
25 of the attending physician, and that in certain cases  
26 we forced the pilot to pass another physical examin-  
27 ation of the National Health Department.

28 Q. Was it to check in order to find out  
29 if the pilot was truly sick, or if he was fit to fulfill  
30 his duty as a pilot?







1 French

2 A. In most cases we send the pilot to  
3 pass an examination at the National Health Department,  
4 and it was to check on the state of health and we  
5 wanted to have confirmation about his own medical  
6 certificate.

7 Q. And not to check that his own  
8 physical status was such that it would be preferable  
9 for him no longer to exercise his trade as a pilot?

10 A. I think if there was a medical  
11 certificate, it was used in both cases: In order to find  
12 out if he were truly sick, or if his physical condition  
13 allowed him to fulfil his duty.

14 In the case that you spoke about before,  
15 in the case of pilot No. 38, this is a case where the  
16 pilot underwent a physical examination at the Department  
17 of National Health and that the physician recommended  
18 that that pilot stop his work and it is pursuant  
19 to such a recommendation that he was forced to hand  
20 back his licence.

21 Q. Now I would like to refer to the  
22 four accidents or incidents rather than that you have revised  
23 yesterday. Would you please keep these files before  
24 you and thus you will be able to answer questions more  
25 easily. Would you first have in front of you the  
26 files about the incident of the pilot which was  
27 reported as being intoxicated when he boarded the ship  
28 in Escoumains. I think it was the first incident  
29 that you mentioned. It was the ship the ARROW.  
30 Now you did not say yesterday that if, before this





1 French

2 particular incident, other incidents of the same kind  
3 were in the file. Could you please check and tell us  
4 if before this particular incident there had been any  
5 complaints made against this pilot for drunkenness,  
6 and if such condition had been noted by your office  
7 in the file for this man?

8 A. I see nothing of this kind in the  
9 file. I see nothing of this kind, no.

10 Q. Would you please now take the case  
11 No. 2. It's the grounding of the whole keel on the  
12 CONTINENTAL TRADER. You said that for the whole keel  
13 the incident happened in Lauzon on August 25th 1962.  
14 I understand that the pilot had boarded the ship in  
15 Quebec. It was a downstream going ship.

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RPS 1 French

2 A. Well, apparently it was coming  
3 downstream from Montreal.

4 Q. So the accident happened five or  
5 ten minutes after the ship left Quebec?

6 A. Maybe.

7 Q. Could you please now take Article  
8 19, Paragraph 4 in the General By-Laws for the Quebec  
9 District which says:

10 "Where the Superintendent believes,  
11 "on reasonable grounds, a pilot has been  
12 "under the influence of intoxicating  
13 "liquor or narcotic drugs  
14 "while on duty he may  
15 "remove the pilot's name from the assignment  
16 "list and make a full investigation into  
17 "the matter and submit a report thereof  
18 "to the Authority."

19 Are you aware, do you know if after the  
20 accident of August 25th if an investigation was made  
21 by your office?

22 A. I think so, but I would certainly  
23 prefer that the Superintendent on duty at the time  
24 would answer this question. I have knowledge of it,  
25 but I can't say exactly what happened. I would prefer  
26 that the Superintendent himself answer.

27 Q. So this was under the authority of  
28 Captain Allard?

29 A. Yes.

30 Q. When acting as Acting Supervisor,







1 French

2 which you have been for three or four months now, can  
3 you tell me how in practice this regulation is  
4 implemented? I would like to draw your attention to  
5 the fact that the Article says that the Superintendent  
6 may remove the pilot's name from the assignment list.  
7 In such circumstances are you going to strike out the  
8 name? Are you going to do it always? Which practice  
9 do you follow?

10 A. As I mentioned, that it may happen  
11 that the clerks refuse to embark the pilot because they  
12 don't believe he is in proper shape to embark, and it  
13 happens that they change the turn with another pilot  
14 who agrees, so in such a case it does not come up  
15 to the Superintendent. It stops in the dispatching  
16 office.

17 Q. So I understand that if a decision  
18 is taken by the clerk not to let a pilot embark because  
19 of his condition that no report is made to the Super-  
20 intendent, so in such a case the Superintendent cannot  
21 make this investigation.

22 A. Well, I was for a long time a clerk,  
23 and if a clerk believes that there is an abuse, well  
24 let us suppose I give him a chance and then I see  
25 that this man is trying to go too far, I will not hes-  
26 itate and I don't think any clerk would hesitate to  
27 bring this to the attention of the Superintendent.

28 Q. Mr. Maheux, I would like to draw your  
29 attention to the fact you are here talking about a  
30 case which is slightly different from the case of





French

Article 19(4). You are here talking about Article 19(3) which says:

"Where the Superintendent believes on  
"reasonable grounds that the ability of  
"a pilot who is about to go on duty is  
"impaired through the use of intoxicating  
"liquor or narcotic drugs he shall forthwith  
"removes the pilot's name from the assign-  
"ment list and make a full investigation",  
which seems to imply there is no leeway for the  
Superintendent.

A. As I understand it that the Superintendent has the right to remove the pilot's name, and that he has the right to do so and that he does it if he is informed. If he is not informed he can't take the decision.

Q. That is my point. I would like to know which is the practice followed. We are talking about sub-Paragraph 3. Is this strictly applied, is it mandatory on the Superintendent, is he under an obligation to act or in spite of this regulation, in some cases the clerk acts and the Superintendent doesn't know and cannot take action.

A. Well, normally he is removed from the list and the pilot has to see the Superintendent who makes an investigation, then he is usually committed and action is taken against him. He is fined and all cases are referred to the Ministry in Ottawa.

Q. Now, Mr. Maheux, I would like now to







French

refer to Article 23(2) which reads:

"When at any time the Superintendent  
"has reason to believe that a pilot's  
"fitness for duty has become impaired by  
"reason of defective eyesight or hearing  
"or by reason of any other physical or  
"mental disability he may, with the approval  
"of the Authority order the pilot to undergo  
"examination or examinations by medical  
"officers appointed by the Authority and  
"the pilot shall not be assigned to duty  
"until the Authority is satisfied that the  
"pilot is fit to perform his duty".

In the last years, I would say the last  
five years, do you know of any cases where this Article  
has been applied in the Quebec District?

A. Yes.

Q. Do you know in how many instances?

A. No.

Q. If you refer to Exhibit 644 which  
gives a list of the pilots for the last three years,  
this is 1960 included, are there any cases where for  
any one pilot in this list this Article has been applied?  
Can you remember any one case? I don't want to say  
that the pilot's licence was revoked, but this Article  
had been invoked to see if there was a case to revoke  
the licence?

A. Well, I think pilot No. 16 is one  
which would be the person.





1 French

2 Q. So that pilot 16 -- that was after  
3 the two accidents which happened August 27th, September  
4 5th, 1962.

5 A. I think he had other examinations.  
6 He had to undergo other examinations before these  
7 two accidents. I mean by that examinations imposed  
8 on him by the Piloting Authority. This was pilot No.  
9 16.

10 Q. Do you know of any other cases?

11 A. I think No. 49 is in the same category.  
12 No. 70 -- I cannot say as far as No. 80 is concerned.

13 Q. So, in any case, for all these  
14 pilots that you mentioned, the licences haven't been  
15 revoked, revoked or suspended except for pilot No. 16  
16 and for the two accidents that we know?

17 A. No, but their names have been removed  
18 from the list for a certain period awaiting for a medical  
19 certificate proving that they were able to work.

20 Q. Now, during your experience was the  
21 class of pilots changed after medical examinations;  
22 for example, I mean would a class A pilot be put into  
23 class B, did that happen?

24 A. Yes, at least twice. A B was  
25 re-classified C and A became a B.

26 Q. Under which circumstances were such  
27 decisions taken? I mean by that was it after accidents  
28 or was it after the examination requested by the  
29 Authorities not satisfied by the services given by  
30 the pilot?





1 French

2 A. This was after accidents, sir.

3 Q. In other words would it be exact to  
4 say that all these measures would have been taken  
5 after accidents instead of being taken before?

6 A. After accidents.

7 Q. Particularly in the case of pilot 16  
8 it was realized that the pilot didn't have the capacity  
9 to do this work -- was it 16 or 10?

10 A. 16 I said.

11 Q. Oh yes, 16, sure. Mr. Maheux, you  
12 produced a list of apprentices. Do you have a list  
13 -- do you have the old list or the new list?

14 A. I have the new list.

15 Q. Could you tell from your list of  
16 candidate apprentice pilots, do you know how many  
17 candidates you have, do you know the dates -- can you  
18 give us a copy of such a list and produce it as Exhibit  
19 656?

20 A. Yes.

21  
22 ---EXHIBIT NO. 656;

List of candidate apprent-  
ice pilots including dates.

23  
24  
25 Q. One last question, Mr. Maheux, yester-  
26 day you were asked to check up on Exhibit 589 which  
27 I would ask that you have a copy in front of you.

28 A. Well, I wasn't able to verify it.  
29 I came to the office at five yesterday and the  
30 accountant had gone home. This morning I was called







1 French

2 to appear before the court I wasn't able to talk to him.

3 MR. BRISSET: You can't give me the answer,  
4 but it will be given.

5  
6 CROSS-EXAMINATION BY MR. LALONDE:

7  
8 Q. Mr. Maheux, I would like, could you  
9 tell us has the Corporation or the Federation put  
10 any pressure on the local Pilotage Authority in order  
11 that no disciplinary measures be taken against pilots?

12 A. No, no pressures were ever put upon  
13 us.

14  
15 CROSS-EXAMINATION BY MR. LANGLOIS:

16  
17 Q. You mentioned that 10 hours rest  
18 between assignments. Can you explain to the Commission  
19 how you calculate this rest period? Is from the time  
20 the pilot disembarks the ships he has piloted?

21 A. Yes, so that he would come to the  
22 office. We note his name.

23 Q. In other words if the pilot has to  
24 travel to go home you don't take that into account.

25 A. No.

26 THE CHAIRMAN: So if a pilot goes to  
27 Chicoutimi and he has to come home, how do you calculate  
28 this?

29 THE WITNESS: My lord, as I said yesterday,  
30 that in the Quebec District that 10 hours rest period





1 French

2 was not taken into account, and it was very -- it was  
3 an exceptional case only when the pilot didn't get  
4 his 10-hour period, in the fall when there is a very  
5 heavy workload it may happen.

6 THE CHAIRMAN: In your opinion they always  
7 get 10 hours, they always get more than 10 hours?

8 THE WITNESS: In the Quebec District --  
9 between Quebec, Three Rivers it happens that the  
10 pilots requested their 10 hours because they are left  
11 -- there is more work. It happens that the pilot  
12 doesn't get his 10 hours. If he requests this we give  
13 the 10 hours. The travel time to go home is not taken  
14 into account.

15 MR. LANGLOIS: I don't think the witness  
16 answered completely the question.

17 Q. What happens in Chicoutimi?

18 A. In the case of Chicoutimi the  
19 pilot re-embarks immediately, even if he doesn't get  
20 10 hours because as there is no pilot station in  
21 Chicoutimi and he can't be replaced. If he wants he  
22 has to put a request before arriving in Chicoutimi  
23 or there certainly will be delays. In Port Alfred  
24 if they want to be replaced they may by radio-telephone  
25 request from the Chicoutimi Shipping, requesting a  
26 pilot in the same way.

27 Q. He can ask and if a pilot is available  
28 he will get one.

29 THE CHAIRMAN: Do I understand that in  
30 Chicoutimi or Bagotville when the pilot arrives with the







1 French

2 ship does he stay on board or does he go onto another  
3 ship departing?

4 THE WITNESS: He can do both in Chicoutimi,  
5 but not in Port Alfred. In Port Alfred they follow  
6 in turn. They don't keep the same ship, but in  
7 Chicoutimi, in some instances they have to stay on the  
8 ship because they don't go to the wharf. They are in  
9 the tankers and they don't go into the harbour.

10 Q. My question was about Chicoutimi  
11 Harbour, but the same thing can happen at Port Alfred.  
12 Do I understand what you said a few minutes ago that  
13 it hadn't happened in Quebec because a pilot never  
14 requested the application of the 10-hour period?

15 A. Well, in the Quebec District I said,  
16 that in Quebec the case wasn't happening because we  
17 have sufficient number of pilots to grant them a 10-  
18 hour period.

19 Q. But still without taking into account  
20 their travelling time, the time to go home. Now,  
21 do you have to request a class C pilot to go onto a  
22 class B ship?

23 A. Well, it could happen that a class  
24 C would have to embark on a class B or a B on an A.  
25 We can make mistakes. When a pilot is on board the  
26 Captain or the company -- they like as well the services  
27 of a lower class pilot. They would rather keep the  
28 pilot and not have delays.

29 Q. So in these cases the shipowners  
30 would accept services of a lower class pilot. Now, does





1 French

2 it ever happen that a class A pilot is piloting class  
3 B ships?

4 A. Oh, yes, very often. The list is  
5 always there for class C, and pilots whether A, B  
6 or C -- they follow the class. I would say that a  
7 class A pilot takes 10,000 tons and more, so he can  
8 take 50,000, but he can take lower, smaller ships.  
9 In class B it goes as far as 6,500 and he can take  
10 smaller ship, so it happens that a class A pilot takes  
11 class B ships and so on.

12 Q. What happens with the additional  
13 remuneration he has to absorb?

14 THE CHAIRMAN: You mean he is not entitled  
15 to it?

16 MR. LANGLOIS: He is not entitled to it  
17 because he is only class B.

18 THE CHAIRMAN: But he is losing a turn for  
19 a larger ship so somebody else will do it and it is  
20 going into the common fund.

21 Q.. It is money that is not going into  
22 the common fund. It goes directly to the pilot who  
23 takes the ship. Now, what happens in the case of a  
24 pilot of class A, what happens in the case of this  
25 additional rate?

26 A. Well, I don't think that these dues  
27 are charged according to the classification of the  
28 pilot, but according to the classification of the  
29 ship. Whatever type of pilot, the charges are made  
30 just the same. It depends on the tonnage of a ship.





1 French

2 Q. Now, turning to absences, you were  
3 asked a question by Mr. Brisset concerning investigations  
4 made in the case of absences for which you might have  
5 entertained certain suspicions. Is it not a fact that  
6 in the case of absences, in the case of so-called  
7 sickness, that in all cases you require medical  
8 certificates, in the case of absences which goes beyond  
9 six days?

10 A. Yes it is requested.

11 MR. BRISSET: Since when?

12 THE WITNESS: Well, a couple of months.

13 MR. BRISSET: A couple of months?

14 THE WITNESS: I can't give you a more  
15 definite answer.

16 THE CHAIRMAN: I am sure there are other  
17 questions. I have a few questions to ask myself, but  
18 we are going to adjourn for a short recess.

19  
20 ---A SHORT RECESS.  
21  
22 -  
23  
24  
25  
26  
27 -  
28  
29  
30 -







---FOLLOWING THE RECESS:

MR. BRISSET: My lord I would like to ask a question of Mr. Maheux and I have forgotten to ask such question.

THE CHAIRMAN: Permission granted.

RE-CROSS-EXAMINATION BY MR. BRISSET:

Q. Mr. Maheux as regards Exhibit 655, which is a record of absences of pilot No. 49 in 1962, '63. I would like to draw your attention to a note contained at the bottom of the exhibit, and I would like you to read that note for the court.

A. In the first place that note was written by me, for information purposes to the Department because these sheets were sent to the Department recently and that note has been added at that time because I wanted to explain the number of absences of the pilot. That is why I wrote it.

"Permission to work when he is  
"able on account of sickness and age."

Q. What was the reason for this note you have inserted on the list of absences?

A. Well I put it down for the information of the Department that the permission was granted for sick leave.

Q. Am I to understand that all these absence sheets that you keep every year for each pilot





1 French

2 are sent to the Pilotage Authority in Ottawa at a given  
3 time?

4 A. No.

5 Q. Why not?

6 A. Well the Department has the report  
7 of the year 1962 as a whole, but not for the preceding  
8 years.

9 Q. So this practice of sending to the  
10 Department in Ottawa a copy of the records of absences  
11 has been implemented only since 1962?

12 A. That is, Ottawa made such a request  
13 to send to Ottawa the record of the absences so I  
14 sent photostats of all these records with certain  
15 notes, explanatory notes, mentioning, for example,  
16 that when there was only one X, it was a motivated  
17 absence, or one that was allowed by the regulation, and  
18 I put that fact in my report that every time there was  
19 an X alone then I suppose that it was an absence which  
20 was motivated or allowed by the By-Law.

21 In the case of other pilots, the reasons  
22 for absences, I remember I mentioned them. I recall  
23 that in that year there were two pilots who had some  
24 death in their family and were absent for three or  
25 four days. I wrote for leave of absence because of  
26 death, and so forth.

27 Q. Now ever since 1962, the date at  
28 which these lists have been sent to the Department in  
29 Ottawa, are they sent every month or only at the end  
30 of the year?







1 French

2 A. I send them only once, and I have  
3 received no instructions to send any others. I will  
4 send them if I have received a request. I sent only  
5 a record of absences every month stating there were  
6 so many effective pilots according to the method asked  
7 for by Ottawa so we send this report at the same time  
8 we send a report on the earnings. Not a detailed  
9 report for each pilot.

10 THE CHAIRMAN: So this is a statistical  
11 report you send?

12 THE WITNESS: Yes my lord.

13  
14 RE-DIRECT EXAMINATION BY MR. JACQUES:

15 Q. So there may not be any misunderstanding  
16 as regards the dispatching of pilots, it has been filed  
17 under Exhibit 642 the dispatching regulations for the  
18 pilots of Quebec and Escoumains. Now I would like to  
19 show you Exhibit 565 which has been filed in Montreal  
20 entitled "regulations for the administration of the  
21 assignment list for the pilots of the Montreal District  
22 and Quebec District." Would you please look at this  
23 document and tell me if those are the regulations that  
24 you apply for the dispatching of the pilots at Quebec  
25 and Three Rivers?

26 A. Yes.

27 Q. Now the list of absences which has  
28 been filed as Exhibit 644 covers, I think, the licence  
29 suspensions?

30 A. Yes. All absences are indicated,





1 French

2 whatever the motive for such an absence.

3 Q. Could you please explain to the  
4 Commission the practical effect of the removal of the  
5 names of the pilots on the assignment list?  
6 Apparently it is considered as a disciplinary measure?

7 A. Yes.

8 Q. Do you think that the only fact  
9 of removing the name from the assignment list is to  
10 keep the pilot from piloting?

11 A. Yes.

12 Q. Are there any further consequences?

13 A. Well if his name is removed from  
14 the list for a long period of time, he is going to  
15 lose turns and he is going to lose earnings.

16 Q. When a pilot is suspended for a certain  
17 time, does he have the privilege of taking back his  
18 turns?

19 A. Well no, not if he is suspended.

20 Q. If he is suspended forty turns,  
21 for example, and when his licence is restored the  
22 average of turns has reached the figure 50, then  
23 can he sort of gain back his loss of time?

24 A. No. He starts back at fifty instead  
25 of forty. If the average is 50 when he comes back  
26 on duty, then he starts at 50 and not at 40.

27 THE CHAIRMAN: Consequently a credit  
28 for which he won't be paid is 10 turns?

29 THE WITNESS: If he took back his turns,  
30 it won't be a punishment.





1 French

2 Q. So you start him at 50 on the assign-  
3 ment list, when you revise the list in the morning,  
4 he won't be first on the list and that is why you give  
5 him 50 turns?

6 A. No. It's because he has been  
7 suspended.

8 Q. It has been because he has been  
9 suspended, yes, but you gave him the average number of  
10 turns so that his name wouldn't be the first always  
11 on the list when you proceed to the revision of the  
12 list?

13 A. Yes.

14 Q. Now when you were clerk did it ever  
15 happen often to you to allot two pilots, the first of  
16 whom, for example, seemed to be under the influence  
17 of alcohol and that his turn is changed with the second  
18 one or with another pilot?

19 A. Yes, it happened.

20 Q. Did it happen often?

21 A. A few times.

22 Q. For how many years were you a clerk?

23 A. Well for 30 years, or nearly 30  
24 years.

25 Q. Did it ever happen that you did that  
26 at least once a week?

27 A. No. Well I have no statistics on  
28 that matter but I admit this practice was going on,  
29 and it is still going on. Now to give statistics  
30 once a week or once per month, I wouldn't be able to







1 French

2 give you exact statistics, but it happens, and it  
3 still happens here according to my own knowledge.  
4 Once more, it is the clerk's prerogative, whenever  
5 there is an abuse, to make a report to the Superintendent  
6 about that matter and I can assure you this is done.

7 Q. Now is it possible to find out if  
8 this practice is in existence today by using your  
9 records, your files, your list?

10 A. Well I couldn't tell you. There  
11 were some changes in turns but I couldn't give you  
12 the reason for which there were such changes in turns.  
13 Oftentimes it may happen that a pilot, for a given  
14 reason, put off coming to the office; wants to leave  
15 before in order to be a little bit in advance and to  
16 have a little bit more time at his disposal upon his  
17 ~~return~~, or he asks another to leave in his place in  
18 order that he may finish certain work that he has  
19 started, and so forth, not for the reasons of change  
20 of turns and so long as the two parties are in agree-  
21 ment, this is an admitted practice.

22 Q. Now insofar as the period of ten  
23 hours compulsory rest period for the pilots for the  
24 Quebec and Escoumains Districts is concerned, are  
25 you in a position to tell the Commission how many  
26 hours elapse, on an average, between two trips?  
27 You told us on an average trips for a pilot in the  
28 Quebec District was about two -- three or four trips  
29 per week and this was supported by Pilot Koenig's  
30 evidence who said that it was from three to five on





1 French

2 an average.

3 MR. LALONDE: My lord, on this question  
4 the witness already answered yesterday to a question  
5 as regards averages on absences of pilots from the  
6 assignment list, and he had approximated a figure of  
7 12 on an average while the statistics prepared by the  
8 Department indicated that the average of absences for  
9 the effective number of pilots was lower than this  
10 approximate figure.

11 I think that the document before the  
12 Commission and the statistics gives sufficient infor-  
13 mation about that in order to determine the number of  
14 hours between each trip and the number of hours and  
15 the duration of absences. So if we want any information  
16 of that type, and possibly the present statistics  
17 do not give such information, well this information  
18 shall be compiled. These figures are shown on each  
19 pilotage card and the hours are indicated. I think  
20 the witness's assessment of such a complex matter,  
21 which varies from the beginning of the week to the end  
22 with the changes and averages in traffic, is not  
23 interesting. I think if we want a serious answer about  
24 that at all we should check the statistics already  
25 filed or we could ask for such information?

26 THE CHAIRMAN: Naturally, the answer we  
27 were given yesterday and the answers that you might  
28 obtain through cross-examination prove something to  
29 the court, that is, we must not rely too much on  
30 statistics and that is why we undergo such an







1 investigation.

2 Now concerning this average time, the  
3 witness may answer the question, citing his source  
4 and we may see subsequently if his assessment is based  
5 upon the facts or if it is simply an assessment of  
6 hearsay or his own personal assessment.

7 MR. LALONDE: Thank you sir.

8 A. I think it is quite difficult, as  
9 the discussion has demonstrated, it is difficult for  
10 me to indicate an accurate number of hours, as we  
11 don't have those statistics on hand, but for the  
12 information of the Commission, I can assure you that  
13 the Department at Ottawa would certainly be in a  
14 position to give you the exact number of hours through  
15 an I.B.M. machine.

16 Q. Now basing yourself upon your long  
17 experience in this service, could you tell if the  
18 period of time elapsing between two trips, generally  
19 speaking, exceeds twelve hours?

20 A. In Quebec, yes. Generally speaking,  
21 yes, it exceeds 12 hours.

22 Q. Do you think that generally speaking  
23 it would exceed 24 hours?

24 A. Well I am not in a position to  
25 assert that, but I think that in Quebec it might go  
26 beyond 24 hours, but it is quite possible to be less  
27 than 24 hours. It is possible, for example, a pilot  
28 may be 48 or 72 hours in Quebec, everything depends  
29 upon the traffic, and so forth, many reasons.

30 Q. When you look at your assignment





1 French

2 list, do you expect your list to be preempted rapidly?  
3 Do you put the name of a pilot, for example, who has  
4 left on a trip and do you expect to put back the  
5 name of that pilot for the same day?

6 A. In the Quebec District this practically  
7 never happens for the pilot to leave on the same day  
8 as his return, unless there was a pilot who has been  
9 delayed, for one reason or another because of  
10 illness or leave of absence and who would arrive at  
11 three or four o'clock in the morning, and then he  
12 would ask to be placed on the turn at nine o'clock,  
13 then he is liable to leave on the same day and it is  
14 after he has fully consented to do so. Besides, I  
15 will make you a note that the regulation mentions  
16 ten hours, moreover it is indicated that a pilot who  
17 would have had 10 hours of rest cannot refuse to go  
18 on board. It is never mentioned that a pilot cannot  
19 embark before 10 hours, but a pilot can always accept,  
20 if he feels fit.

21 Once and a while there is a question of  
22 interpretation, not interpretation but of comfort or  
23 fitness on the part of a pilot who is late, for  
24 example, and who arrives at two o'clock in the morning  
25 and whose name will be placed on the list at nine  
26 o'clock in the morning with the possibility of leaving  
27 again at two o'clock in the afternoon, but not before  
28 10 hours, so that pilot from two o'clock in the morning  
29 until nine in the morning, that gives him seven hours  
30 rest, so if he knows in advance, he will take advantage







1 French

2 of these seven hours in order to get a good rest and  
3 leave again once his turn has arrived, so sometimes  
4 a pilot may leave twice in the same day.

5 Q. Is that a general rule?

6 A. No, but it happens very rarely  
7 for a pilot to make another trip on the same day.  
8 Naturally, I am just talking about Quebec to Escoumains.

9 Q. Of course, I am referring to the  
10 pilots from Quebec to Escoumains, not Quebec to  
11 Three Rivers. Is it not a practice for your clerks  
12 to phone the pilot and to give them their place on  
13 the assignment list and to tell them the number of  
14 ships that are expected during the day?

15 A. It is the opposite that occurs.  
16 The pilot usually phones us to ask us what is his  
17 turn, and what is the approximate time he is expected  
18 to leave. Naturally the first on the list, usually  
19 a pilot calls and asks what is his position. If he  
20 is tenth on the list and we have twelve prospects,  
21 we tell him that he may leave in the afternoon or  
22 in the evening, according to the hour at which the  
23 clerk thinks the pilot will have to embark and usually  
24 the pilot phones. The clerk does not need to call  
25 him.

26 Q. I think I have forgotten to ask  
27 you a few questions about signal stations along the  
28 St. Lawrence. Bastican, Port Neuf, Quebec Bridge,  
29 Saint Jean, Grondines, St. Nicholas, Donnacona.  
30 Could you please explain how this system works in your







1 French

2 District.

3 A. Grondines, Saint Jean and Bastican are stations  
4 which are open 24 hours a day, from April 1st until  
5 December 31st. These stations give a report concerning  
6 the passage of ships upstream and downstream; gives  
7 also the weather at different hours of the day and  
8 where we can get some information concerning the  
9 weather at any time of the day.

10 These stations, naturally, advise the  
11 pilotage stations. Saint Jean advises the City of  
12 Quebec and they all call Quebec, at any rate, for  
13 this information.

14 Saint Jean, because it is not connected  
15 to the teletype system, it comes by radio-telephone,  
16 and then in Quebec we send it to all the other pilotage  
17 stations. Grondines is related, but is not connected.  
18 In Grondines the communications are only between  
19 Grondines and Bastican and then Bastican sends by  
20 teletype the information that a given ship has passed  
21 upstream and downstream in front of Grondines.

22 Q. Now Quebec Bridge, Grondines and  
23 Donnacona.

24 A. These stations are used also in the  
25 winter in order to give the ice conditions and also  
26 weather conditions, especially in the springtime  
27 when the battures come off.

28 The majority of these people have been at this station  
29 for a while and have charts on which circles have  
30 been placed at every half mile in order to give the  
visibility conditions. It is done in Grondines and





1 French

2 Bastican regularly in the winter season by the  
3 same employees that we have during the summer season.  
4 There are, at any rate, one or two who do that work.

5 Q. And this station that you have  
6 mentioned, are there some people on duty 24 hours  
7 a day?

8 A. Yes. In Grondine and Saint Jean  
9 and Bastican 24 hours a day. St. Nicholas unfortunately  
10 at that station there is not an employee on duty 24  
11 hours a day at the present time. They are on duty  
12 from six in the morning until eight in the evening  
13 six days a week.

14 Q. Now what about the other three stations  
15 which are open in the winter season? Are they  
16 open in winter only?

17 A. Donnacona, Quebec Bridge, yes. Only  
18 in winter, but Donnacona and Port Neuf are not stations  
19 but there are certain points where we have some  
20 observers, people who with their experience are aware  
21 of the conditions and give us the ice conditions and  
22 weather conditions in the winter.

23 Q. These observers who are in Port  
24 Neuf and Donnacona, are they Department of Transport  
25 employees?

26 A. No. One thing is that these employees  
27 call us once every two days, unless the weather changes  
28 rapidly and we are going to tell you we pay them  
29 \$3 a day. Naturally it is difficult to have them on  
30 duty 24 hours a day and they phone us regularly, once







1 French

2 every two days and it is Port Neuf calls Quebec, then  
3 Donnacona calls Quebec rather.

4 At Saint Jean we have no weather information.  
5 It is closed in the winter. The Quebec Bridge station  
6 is open from six in the morning until ten in the  
7 evening and there is always somebody on duty at those  
8 times but in Port Neuf and the Donnacona we have only  
9 people to whom we give a slight remuneration in order  
10 to be informed about the ice conditions and weather  
11 conditions.

12 Q. When a ship is on the river during  
13 the winter, are special measures taken concerning  
14 these stations?

15 A. Well from these stations we receive  
16 the weather information regularly and in the case  
17 where even in Grondines and Bastican in the winter  
18 they are not on duty 24 hours a day but they are on  
19 duty for a good period of time.

20 Q. Now in Grondines and Bastican  
21 when a ship is in the river do you ask your employess  
22 to get to their stations and do the supervison?

23 A. Yes, of course, we ask them to  
24 go to the station in advance so that the ship, before  
25 leaving Quebec or Three Rivers, that the ship be  
26 given the information.

27 Q. And when the ship goes downstream  
28 from Quebec do you have your employees at the Saint  
29 Jean Station?

30 A. No. Unfortunately we have nothing





1 French

2 in the winter.

3 Q. So when a ship leaves Quebec and  
4 goes to the Gulf during the winter, there is no  
5 station to give him some reports on the ice conditions?

6 A. Well with the exception if there is  
7 other navigation, he can get some information from  
8 them and if there are some icebreakers or Government  
9 ships in the area, they can communicate by radio-  
10 telephone but the signal service is non-existent in  
11 that area.

12 Q. Are you aware if there are some  
13 air patrols on the Gulf for ice conditions?

14 A. Yes.

15 Q. Does your office receive this  
16 information?

17 A. Yes, we receive them two days late,  
18 but we receive them. We receive them by mail, but  
19 we receive them.

20 Q. Are you aware if there are people  
21 whose title is that of "ice observer" in the Gulf?

22 A. Well in the Gulf I couldn't say for  
23 sure but I am quite sure there are certain observations  
24 made by air patrols regularly but on the ground, I  
25 don't know, I don't think so. Certainly not under  
26 our jurisdiction, at any rate.

27 Q. Without mentioning any names, could  
28 you please tell us if your office ever requested a  
29 pilot to undergo a psychiatric examination?

30 A. So far as I can remember, having heard





1 French

2 about it, there was once a public inquiry held under  
3 the Chairmanship of a Judge who asked for a pilot to  
4 have a psychiatric examination.

5 Q. And this is the only case?

6 A. Yes.

7 Q. Thank you. I think you will have  
8 statistics to give us.

9 A. And I will give them as soon as  
10 possible.

11 THE CHAIRMAN: Do you have any further  
12 questions to ask of this witness? Mr. Maheux you  
13 stated that you and your office were dispatching the  
14 pilots and that the agents were communicating with  
15 you insofar as departures were concerned but insofar  
16 as tugs are concerned does your office make the request  
17 for the tugs?

18 THE WITNESS: No, the agents do that.

19 THE CHAIRMAN: You have nothing to do with  
20 that?

21 THE WITNESS: No my lord.

22 THE CHAIRMAN: And the same thing applies  
23 to stevedores?

24 THE WITNESS: No, we don't take care of  
25 stevedores.

26 THE CHAIRMAN: I understand that the  
27 administrators of the different Pilotage Organizations  
28 must go away from time to time in order to go to the  
29 meetings of the Board or to fulfil other types of  
30 duties related to their position. Is permission requested







1 French

2 in advance each time this occurs?

3 THE WITNESS: I couldn't call that  
4 permission, but we are advised that there will be  
5 a meeting, or that a director will be absent. We  
6 are advised in advance of that fact.

7 THE CHAIRMAN: But I understand that they  
8 can be the first on the assignment list.

9 THE WITNESS: Well this may happen but  
10 usually, but I cannot assert that fact because I am  
11 not aware of it, but I think that the statutes of the  
12 Corporation or Association provide for an advance  
13 notice for each director before holding a meeting.  
14 I am under the impression that there is notice of  
15 24 hours so a pilot does not have to wait to be the  
16 first on the list before advising us.

17 THE CHAIRMAN: You are always advised that  
18 a given pilot will have to go to a directors' meeting  
19 at such and such a date?

20 THE WITNESS: We are not advised by the  
21 Committee, but by the pilots themselves.

22 THE CHAIRMAN: In such cases do you mark  
23 them as absent on the sheet?

24 THE WITNESS: Yes my lord.

25 THE CHAIRMAN: So each and every time a  
26 pilot is not available for his turn on the list, he  
27 is marked as being absent?

28 THE WITNESS: Yes my lord.

29 THE CHAIRMAN: I understand this was before  
30 your time, but when a pilot goes to a general meeting,





1 French

2 and that he doesn't take his place on the assignment  
3 list because of that, is he marked as being absent?

4 THE WITNESS: Yes.

5 THE CHAIRMAN: April 1961 ---

6 THE WITNESS: On the sheet I gave, there  
7 were nine days and I wrote on them general meeting.

8 THE CHAIRMAN: I notice in 1961 there  
9 were four who were not absent but did the pilotage  
10 the same?

11 THE WITNESS: Yes, it is quite possible.  
12 If there is no absences marked, indicated by an X  
13 next to their names, this mean that they were not  
14 absent.

15  
16 -

17  
18  
19  
20  
21 -

22  
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26  
27 -







PRS 1 French

2 MR. LALONDE: I am sorry, my lord, I think  
3 we will have to look in 1962.

4 THE CHAIRMAN: I am sorry, it was April,  
5 1962, not 1961. There were absences, nine -- two  
6 have nine absences during that period. Even motivated  
7 absences will be shown as absences on the sheet?

8 THE WITNESS: Yes, my lord.

9 Q. Your office doesn't distribute  
10 the money to the pilots?

11 THE WITNESS: We give the total cheque to  
12 the Secretary who then distributes it amongst the  
13 pilots.

14 Q. Do you make a report to the Secretary  
15 of the Corporation that is to do with the absences  
16 or appearances of the pilots?

17 A. Yes.

18 THE CHAIRMAN: Thank you.

19  
20 CROSS-EXAMINATION BY MR. LANGLOIS:

21  
22 Q. With your permission, my lord,  
23 pursuant to your questions relating to the tugs, and  
24 because of similar questions which have been asked  
25 for other Districts, especially for Saint John -- I  
26 don't know if it has been asked, but I would like  
27 to ask the witness to say once more if it wasn't done:  
28 Mr. Maheux, are there many companies who do tugging  
29 of ships in Quebec?

30 A. Well, to my knowledge there is only





1 French

2 company, the Foundation Company. <sup>Q.</sup> /It doesn't do tugging  
3 in the Harbour.

4 A. No.

5 Q. You told me beforehand, or yesterday  
6 that the agents were contacting the office or the  
7 pilots in order to find out if the towing services  
8 may be required. Does that occur frequently?

9 A. Well, it may happen at times when the  
10 agents are asking -- asking the pilot if he needs some  
11 tugs. In that case, what I wanted to say yesterday,  
12 it wasn't up to the clerk to decide if a ship ~~needed~~  
13 a tug or not, but it was up to the pilot who was  
14 advising the company or the agent or sometimes upon the  
15 request of the clerks who have been used as intermediar-  
16 ies in these cases.

17 Q. In order to go further do they try  
18 to get advice of the pilot in order to find out what  
19 number of tugs would be necessary? Is the pilot's  
20 advice asked in order to find out what number of tugs  
21 might be needed?

22 A. Well, this happens, yes, from time  
23 to time.

24 MR. LANGLOIS: Thank you.

25 MR. LALONDE: In order to shed light on  
26 that, is it not a fact that the Corporation of Pilots  
27 receives daily these assignment lists?

28 THE WITNESS: Yes.

29 MR. LALONDE: And then is in a position  
30 to know who is absent every day?

THE WITNESS: Yes.





1 French

2 THE CHAIRMAN: Do I understand also this  
3 is not in evidence at the present time, but that the  
4 remuneration is based upon the work performed by each  
5 pilot so if a pilot does only three-quarters of the  
6 work of his colleagues he is going to receive appropriate  
7 earnings?

8 MR. LALONDE: The By-Laws provide all that,  
9 my lord, and the Corporation also has a copy of each  
10 pilotage card.

11 THE CHAIRMAN: What I had in my mind,  
12 whether there was an abuse to absences, if I understood  
13 properly, even in those cases the pilots are paid half  
14 the earnings.

15 MR. LALONDE: Not necessarily so, my lord,  
16 because the By-Laws are filed and you can see.

17 MR. JACQUES: Mr. Lessard.

18  
19 ARMAND LESSARD, Sworn

20  
21 DIRECT EXAMINATION BY MR. JACQUES:

22  
23 Q. Could you please state your full  
24 name?

25 A. Armand Lessard.

26 Q. I believe that you are an accountant  
27 here at the pilot office in Quebec?

28 A. Yes.

29 Q. You were requested to prepare  
30 photostats of your records entitled "Cash Receipts







1 French

2 Journals"?

3 A. Yes.

4 Q. Is this a true copy of your records?

5 A. Yes.

6 Q. Could you please explain the contents  
7 to the Commission and I would like to file it as  
8 Exhibit 657.

9  
10 ---EXHIBIT NO. 657:

Extract of letter entitled  
Cash Receipt Journal Leaf  
No. 23 for July 16, 17, 18  
and 19, 1963.

13 A. Yes, in the first column you have  
14 the month and the date, the amount of the cheque.

15 Q. What cheque, from whom?

16 A. Well, I am starting at the beginning:  
17 The amount of the cheque, the name of the company  
18 sending the cheque, the number of the account for the  
19 cheque, and then the year in which this amount is to  
20 be paid, the amount owing to the pilots, the amount  
21 owing to the Government. If there are certain amounts  
22 which are to go to the apprentices or for other  
23 Pilotage Districts, well all this is entered in the  
24 appropriate column.

25 Q. Thank you. Now, Mr. Lessard, I show  
26 you Exhibit 589 which includes statistics on the  
27 number of trips which were performed by pilots, and  
28 I also show you Exhibit 649. In the first place, would  
29 you please read Exhibit 649 and tell me if you have  
30 ever read that letter?





1 French

2 A. Yes, recently.

3 Q. When, exactly?

4 A. When there was mention made of the  
5 preparing of reports for the Inquiry.

6 Q. Is Exhibit 589 prepared by you?

7 A. Yes.

8 Q. The way in which the number of  
9 pilots, effective pilots was calculated on Exhibit 589,  
10 is that the system indicated in Exhibit 549?

11 A. I don't think so.

12 Q. Could you please tell the court  
13 the way in which you figured the number of effective  
14 pilots for each of the years indicated on Exhibit 589?

15 A. Well, it was from the compilation  
16 of monthly reports for the navigation season, and  
17 then it was months then added up and the result has  
18 been divided by 12 and obtain the average, and each  
19 season has been calculated according to the instructions  
20 received at the time.

21 Q. So, what were these instructions?

22 A. Well, the instructions have varied  
23 according to the years.

24 Q. Let us take, say, 1962. You have  
25 as the number of pilots, as the number of effective  
26 pilots, 69.55 pilots, and you have as real number  
27 of pilots 77. How did you reach the figure 69.55?

28 A. The total absences in the year --  
29 that was the total for the 12 months of the year.  
30 Each month we take the total of absences in the course







1 French

2 of the month and we divide that total by 30 or 31,  
3 according to the number of days in the month. If  
4 there are ten absences then we figure that there were  
5 67 effective pilots for that month, and then the total  
6 for the 12 months of the year, for that given year  
7 totalled 69.55.

8 Q. So, each month you figure the number  
9 of effective pilots?

10 A. Yes.

11 Q. Basing yourself upon the absences  
12 for the month, and then you establish the average of  
13 absences per day?

14 A. This is the way we do, total all the  
15 absences of each day in order to reach the total of the  
16 month and then we divide your number of days in the  
17 month.

18 Q. So it gives you the average of  
19 absences per day?

20 A. That average is deducted from the  
21 number of 77 pilots.

22 Q. At the end of the year you add up  
23 the totals for each month and the number of effective  
24 pilots and you divide that by 12?

25 A. Yes.

26 Q. So this is the way you have figured  
27 that you have calculated the figures appearing for the  
28 year 1962. What system have you followed for the year  
29 1961?

30 A. Well, it is more or less the same





1 French

2 system. I didn't figure that out myself all the time.

3 Q. And for the year 1960, do you know  
4 how this computation was made?

5 A. Well, according to the instructions  
6 of that time. I don't know exactly. In order to  
7 reach the figures -- there is 71, as I told you and  
8 the monthly reports of the year were added up.

9 Q. Did you do this figuring yourself  
10 shown at the bottom of Exhibit 589?

11 A. Yes.

12 Q. How did you proceed to do your  
13 calculations in order to reach the figure 658.7?

14 A. I added up the monthly reports and  
15 then I divided by 12.

16 Q. The reports of absences as you  
17 indicated previously for the year 1962, is that the  
18 same method that you followed for each year in the  
19 preparation of such report?

20 A. Well, for the preparation of the  
21 report I followed the same method for all the years.  
22 I would like to stress the fact that the monthly report  
23 wasn't perhaps calculated according to the same  
24 system in the preceding years.

25 Q. From memory can you tell us how  
26 this monthly report was arrived at?

27 THE CHAIRMAN: When, at what period?

28 Q. Starting say now and going back,  
29 the instructions that you might have had concerning  
30 the computation of the monthly reports.







1 French

2 Q. Well, the monthly reports let us  
3 say for the years 1960, 1959 and 1958 -- insofar as  
4 I can remember haven't been calculated by me. Person-  
5 ally I did the computations of the monthly report.  
6 I take the report on each month. I compiled and  
7 divided it by 12.

8 Q. When you established that compilation  
9 did you relate the report for each month  
10 in the years 1958, 1959 and 1960?

11 A. Well, I looked at them, but I didn't  
12 know the way in which these reports had been prepared.

13 Q. Could you please give to the Commission,  
14 the members of the Commission, examples of the way  
15 the months were calculated for all the years 1958, 1959,  
16 1960, 1961 and 1962 so that the Commission may be in  
17 a position to compare all these monthly reports in  
18 order to determine if they were all compiled according  
19 to the same system.

20 A. Naturally I can try and get the  
21 reports for each year and then give you photostats.

22 Q. Well, no. You bring the copies  
23 on one monthly report for each of these years, let us  
24 say for example for the month of July for each year.  
25 We will take the month of July. Thank you.

26 THE CHAIRMAN: Mr. Lalonde.

27  
28 CROSS-EXAMINATION BY MR. LALONDE:

29  
30 Q. These monthly reports, Mr. Lessard, do







1 French

E2 2 they give details -- will they give all the figures  
3 for the month of July, will they give for example 77  
4 pilots, effective pilots -- will they give enough  
5 details. Have you seen such monthly reports? What  
6 do they look like?

7 A. Well, these monthly reports have  
8 the detail in the upper part -- all these different  
9 columns, the number of trips made each month by the  
10 respective pilots.

11 Q. So we would not go very much further  
12 than you have from this evidence?

13 A. No.

14 THE CHAIRMAN: I understand that Mr. Maheux  
15 sends to Ottawa a report of the absences?

16 THE WITNESS: This is the basis, in fact  
17 it is a report of the income which includes the report  
18 of the absences.

19 THE CHAIRMAN: But Mr. Maheux stated each  
20 month he sent the number of absences for the pilots  
21 for the District. That is what we understood.

22 THE WITNESS: It may be so.

23 THE CHAIRMAN: This isn't the basis of  
24 your effective pilots?

25 THE WITNESS: I don't think that there are  
26 any reports of absences sent. The report which is  
27 sent is the effective number of pilots.

28 MR. JACQUES: I will go to the Pilot Office  
29 and I will bring back the documents which have been  
30 used.





1 French

2 MR. LALONDE: Mr. Lessard, who was preparing  
3 these in 1958, 1959 and 1960? You said you didn't  
4 do it yourself?

5 A. Mr. Maheux prepared some and Mr.  
6 Hamel prepared some.

7 MR. LALONDE: Mr. Maheux gave evidence  
8 that before 1962 he was basing his computation on the  
9 number of trips made by each pilot. Was it Mr. Maheux  
10 who would have prepared the report in 1958, 1959,  
11 1960, 1961?

12 THE WITNESS: Yes, he prepared some, but  
13 how many I don't know.

14 Q. I don't want you to explain how  
15 he prepared them. I would like to know if he was  
16 preparing these reports during these four years, because  
17 yesterday I understood you were doing it, but I dis-  
18 cover you didn't do it.

19 A. I did some of it and he did some.

20 Q. You prepared some of these monthly  
21 reports of absences?

22 A. I did in 1962.

23 Q. Before 1962 Mr. Maheux prepared some.

24 A. Yes, Mr. Maheux prepared some.

25 MR. JACQUES: I would like to describe  
26 Exhibit 657. It is extract of letter entitled "Cash  
27 Receipt Journal, Leaf No. 23, for July 16th, 17th,  
28 18th and 19th, 1963."  
29  
30







1 French

2 CROSS-EXAMINATION BY MR. BRISSET:

3  
4 Q. Mr. Lessard, with reference to the  
5 last exhibit, that leaf of the ledger for a few days,  
6 could you keep in front of you a copy of that exhibit.  
7 Take the second item to illustrate the point: The  
8 first sum is \$1,360 paid by Canadian Overseas, covering  
9 the invoices, the numbers of which are given. They  
10 have \$1,160 and \$200, that is a division of the total  
11 sum. Was the \$1,160 paid to the Pilot Corporation?

12 A. Exactly \$1,168.50 is paid to the  
13 Association which is 10 per cent and 10 per cent is  
14 paid to the pension fund, and \$200 is paid to the  
15 Government for the pilot boat in Escoumains.

16 Q. So the \$1,360 is divided into two  
17 columns, 90 per cent is paid to the Pilot Association  
18 and 10 per cent to the pension fund?

19 A. Yes.

20 Q. Now, Mr. Lessard, are you an expert  
21 in statistical matters?

22 A. No.

23 Q. Could you, in spite of that, take  
24 Exhibit 644 -- sorry, 645. You have the exhibits.  
25 Would you please refer to the figure which is given  
26 for 1962?

27 A. Yes.

28 Q. You see the first entry is, there  
29 is a name H. Brochu, and there is a total number of  
30 turns, 106 trips. Now, if you take the number of trips





1 French

2 of each pilot you will see that 106 seems to be the  
3 normal number of trips made by a pilot who worked through  
4 all the season. Do you agree on this?

5 A. Yes, it seems exact.

6 Q. Now, would it be correct to say  
7 that Mr. Henri Brochu made 106 trips and is a full  
8 pilot?

9 A. Full pilot.

10 Q. Mr. Courdeau and Mr. Cloutier are  
11 the same. Let us take Mr. Koenig who has a figure  
12 of 104 in front of his name. Would you say that Mr.  
13 Koenig is a pilot, 104 over 106, a little less than  
14 a full pilot?

15 A. Certainly. Maybe he would deserve  
16 his diploma if he was passing the examination.

17 Q. Let us take Armand Lachance. You  
18 will see there the figure of 69. Armand Lachance  
19 was 69 over 106?

20 A. Yes.

21 Q. A little more than half. So he was  
22 about half a pilot, maybe two-thirds of a pilot.  
23 If you would use the same reasoning for each pilot  
24 which are indicated on this list you would obtain  
25 the percentage?

26 A. Yes.

27 Q. If you had 106 over 106 which equals  
28 one; 104 over 106 would give a little less than one  
29 and 69 over 106 which is a little more than 50 per  
30 cent -- at the end of all the computations you will have







1 French

2 a figure which will be approximately a figure of  
3 69.55, a little more than 69.55. Do you understand  
4 the method?

5 A. Yes.

6 Q. Don't you think that would be another  
7 way to establish the percentage activity during the  
8 season?

9 A. It would be an ideal method for ~~at~~ the  
10 end of the year, but for each month it would be  
11 impossible, maybe not impossible, but very difficult  
12 to compute for a month, because if a man is absent one  
13 month he works twice as much the following month so  
14 he has worked as much as the other pilots, but one  
15 month he was ill.

16 Q. What you want to say, Mr. Lessard,  
17 is that when some pilots are late in their turns they  
18 would catch up with their turns or a large number of  
19 their turns?

20 A. This year a man was absent five  
21 months, and at the end of October he would have caught  
22 up with the others.

23 Q. In other words that pilot in four  
24 months has succeeded, in four months, to do the same  
25 amount of work as the pilots working the full year?

26 A. Yes.

27 THE CHAIRMAN: So the effective pilot with  
28 five months absence would have contributed five-twelfths  
29 of the effective pilot?

30 MR. LANGLOIS: My lord, I think that to







1 French

2 understand the answer which has been given the witness  
3 would have to say during which months, what particular  
4 months the pilot was absent because he could have been  
5 absent during the winter months. We have three winter  
6 months.

7 THE WITNESS: January, February, March,  
8 April and May he was absent, and started in the middle  
9 of June. From the statistical point of view that  
10 pilot was five months absent.

11 MR. BRISSET: The pilot in the example  
12 you gave started his work in June?

13 A. Yes, on the 15th of June.

14 Q. In October he had the same amount  
15 of turns, number of turns as pilots who had started  
16 early in the season?

17 THE CHAIRMAN: In other words his absence during  
18 these months would be included in the calculations  
19 of the effective number of pilots, but when he is  
20 present during the other months he is included as  
21 double.

22 THE WITNESS: That is why there is differences  
23 in computation for the monthly rate and the computation  
24 at the end of the year.

25 Q. It is for that reason that you think  
26 that my system of calculation would be better?

27 A. Yes, the annual total divided by the  
28 total of pilots.

29 Q. If a pilot is absent during five months,  
30 to take the example you have given, even if he catches





1 French

2 up with his turns later during the year, does that  
3 disturb or perturb the pilotage system or the organiz-  
4 ation of the system?

5 A. No, not at all.

6 Q. Is it not for the reason that the  
7 number of pilots is sufficient to permit such a  
8 situation to come about without perturbing the organ-  
9 ization?

10 A. If there is only one or two people  
11 it doesn't disturb it. If you extend it to a certain  
12 number, no.

13 Q. So, in other words if 50 per cent  
14 of the pilots were absent five months during the season,  
15 then the system would be completely disorganized.

16 A. Certainly. They will be short  
17 of pilots for certain periods.

18 MR. BRISSET: I must say to the Commission  
19 that my computations were made without a calculating  
20 machine, and are subject to correction.

21  
22 CROSS-EXAMINATION BY MR. LALONDE:

23 Q. Mr. Lessard, your duties are strictly  
24 to be an accountant in the Pilotage Office?

25 A. Yes.

26 Q. You have nothing to do with the  
27 administration such as making up the list of turns and  
28 so on?

29 A. No.

30 Q. As such you have no direct contact







1 French

2 with the administrative problems other than the  
3 financial aspects?

4 A. No.

5 Q. So any difficulties which would come  
6 about by the fact pilots would be absent from long  
7 periods or short periods -- all these problems --  
8 you are not in a position to know them?

9 A. They don't disturb me.

10 MR. LALONDE: Yes. They don't disturb  
11 you because in your current duties you have nothing  
12 to do with the current administration.

13 Thank you.

14 MR. JACQUES: Mr. Allard.

15 THE CHAIRMAN: We have seven minutes  
16 left. Do you need more than five minutes for Captain  
17 Allard?

18 MR. JACQUES: Yes, sir.

19 THE CHAIRMAN: It is no use starting the  
20 evidence so we are going to adjourn until 2:30 this  
21 afternoon.

22  
23 ---LUNCHEON ADJOURNMENT.

24  
25 \* \* \* \*





RPS 1 ---ON RESUMING AT 2:30 P.M.

2 French

3 THE CHAIRMAN: It seems that it will be  
4 impossible to finish our hearing in Quebec this week  
5 and that perhaps we will need another complete week  
6 of evidence in Quebec City. Consequently, we are  
7 going to think about the possibly of cancelling the  
8 week that was supposed to be held in Montreal and  
9 resume our hearing here in Quebec City next week.  
10 I am telling you now at the present time, there is  
11 nothing definite about that. If there are any  
12 inconveniences, please tell us about them. On the  
13 other hand, as we are in Quebec, perhaps it would be  
14 a good idea to finish here in Quebec. If it had been  
15 either for one half a day here, or one full day here,  
16 perhaps we could have finished our work for our hearing  
17 in Montreal, but if we need more than two or three  
18 days, aside from this week in Quebec, perhaps we could  
19 hear all the evidence here in Quebec and all those  
20 who are interested in hearing the evidence can come.

21 Perhaps you will be able to think about  
22 it and perhaps you could tell us about it tomorrow  
23 morning. I told Mr. Lalonde if he wanted to see us  
24 about that, perhaps he could come and see me at my  
25 office before the meeting tomorrow morning.

26 MR. LALONDE: My lord, I had the opportu-  
27 nity of consulting with my colleagues and none of  
28 my colleagues objected to this possibility of going  
29 on next week with this hearing.

30 THE CHAIRMAN: There is only one who did





1 French

2 not hear everything, the one who made all the reservations  
3 and all the arrangements for Montreal next week, and  
4 I wonder if it won't be necessary to put a notice in  
5 the newspaper in Montreal. Perhaps the parties will  
6 be interested about it in Montreal, and consequently  
7 will give a notice to the papers for next week.

8 MR. JACQUES: During the adjournment  
9 certain pilots asked me if they could ask questions  
10 of the witness, and I think that the answer, according  
11 to the rules of procedure agreed to by the Commission,  
12 the answer would be yes so long as they follow, as  
13 much as possible, the ordinary procedure used for the  
14 examination of witnesses. That is, these persons will  
15 be able to ask questions after the counsel for the  
16 different parties have finished their examination.

17 THE CHAIRMAN: Usually we wait until the  
18 very last to ask questions.

19 MR. LALONDE: With the consent of the  
20 counsel of the Commission, I would like to have Pilot  
21 George Larue for a very short examination.

22  
23 GEORGE LARUE, Sworn

24  
25 DIRECT EXAMINATION BY MR. LALONDE:

26  
27 Q. Could you please state your full  
28 name?

29 A. George Larue, pilot. My address  
30 is 937 Courchine Avenue in St. Foy. I am 38 years old.







1 French

2 Q. Mr. Larue have you had the opportu-  
3 nity of reading the transcripts of the hearings of the  
4 Royal Commission on Inquiry on Pilotage from September  
5 9th 1963, volume No. 55, pages 1871, 1872, 1873 and  
6 1874 of the French text?

7 A. Yes, I read part of that transcript  
8 where my name was mentioned.

9 Q. For record purposes it deals with  
10 the cross-examination of Captain Maurice Koenig and  
11 Captain Koenig stated, amongst other things, on page  
12 1872 to a question asked by my colleague Mr. Brisset  
13 because there were certain cases, let us say, and I  
14 quote:

15 "Where especially during pilot  
16 examination he was being impressed by  
17 "the idea that it would be preferable  
18 "for him to become a member of the  
19 "Corporation. Finally on two instances  
20 "that I know of during the examination  
21 "of a pilot half way through that examin-  
22 "ation . . . " three suspension points,  
23 afterwards being an intervention that I made myself  
24 and that the Judge made as well and on page 1873  
25 Mr. Koenig resumes and I quote:

26 "Well these two gentlemen were  
27 "approached and the two gentlemen, and I  
28 "am quite sure that there were others,  
29 "well these two gentlemen certainly one  
30 "of the two could come and testify to that





1 French

2 "effect and could testify about that."

3 At the bottom of the page Mr. Maurice  
4 Jacques for the Commission asked the following question:

5 "Could you please give the names?"

6 "A. First of all there would be  
7 "Jacques Bernier, this is the first time  
8 "that I name someone, and George Larue  
9 "who has been examined at the same time.  
10 "I cannot answer for the second one. I  
11 "don't see why he would not substantiate  
12 "his colleague's statement as they were  
13 "together."

14 Q. Mr. Larue do you remember having  
15 passed an examination to be admitted as a pilot with  
16 Mr. Bernier?

17 A. Yes. I passed my examination with  
18 Jacques Bernier.

19 Q. Your examination was held on the  
20 same date?

21 A. Yes.

22 Q. On what date was that examination  
23 held?

24 A. On February 27th and 28th 1956.

25 Q. Were there certain pressures exerted  
26 on you before you passed an examination aiming at see-  
27 ing to it that you became a member of the Association  
28 of Licensed Pilots in Quebec Harbour and Below?

29 A. No. There were no pressures exercised  
30 at all, before, during or after my examination.







1 French

2 Q. Now I show you the original copy of  
3 the Association Act which bears the signature of a  
4 great number of members and I would like to show you  
5 here a signature which is that of George Larue, March  
6 6th 1956. Could you please tell me if the signature  
7 as written is yours?

8 A. Yes, it is my own signature.

9 Q. And you remember having signed that  
10 document?

11 A. Yes. I remember that very well.

12 Q. And is that the date of March 6th  
13 1956? Would that be the right date ?

14 A. Yes, it is the true date.

15 Q. And below your signature there is  
16 another name which is shown as that of Jacques Bernier  
17 dated March 9th 1956?

18 A. Yes.

19 Q. At any rate your own signature was  
20 on that document nine days after you had passed your  
21 examination?

22 A. Well at least six days, yes.

23 Q. When you signed that document the  
24 signature of Mr. Jacques Bernier was not there yet?

25 A. No, it was not because I signed before  
26 him.

27 Q. You are a member of the Corporation  
28 of the Lower St. Lawrence Pilots?

29 A. Yes, I am a member of that Corporation.

30 Q. When did you join that Corporation?





1 French

2 A. Well as soon as that Corporation was  
3 created in 1960.

4 Q. Thank you.

5 MR. BRISSET: Mr. Larue on what date did  
6 you receive your pilot's licence?

7 THE WITNESS: Well I received a licence  
8 from the Department of Transport on April 1st 1956.  
9

10 CROSS-EXAMINATION BY MR. BRISSET:  
11

12 Q. Do you now have your licence?

13 A. Yes, I have had it ever since 1957.  
14

15 CROSS-EXAMINATION BY MR. JACQUES:  
16

17 Q. But in March 1956, when you signed  
18 this Act of Association did you have a pilot's licence?

19 A. Well I had been advised by the  
20 Superintendent from the Department of Transport that  
21 I had passed my examination and that I would receive  
22 soon my permit as a pilot.

23 Q. Do you remember the date shown on  
24 your licence?

25 A. It was valid on April 1st 1956.

26 Q. May it please the Commission it  
27 seems -- not only does it seem, but there is a differ-  
28 ence between the date shown on the temporary licence  
29 of the witness and the date given on Exhibit 650 as  
30 being the date when he became a pilot. Exhibit 650





1 French

2 shows that Mr. George Larue became a pilot on March  
3 28th 1956, whilst the temporary licence of Mr. Larue  
4 indicates that his licence is valid and I quote:

5 "From the 1st day of April 1956

6 "to the 31st day of March 1957. Received

7 "at Ottawa this 28th day of March 1956."

8 Thank you.

9 THE CHAIRMAN: Thank you Mr. Larue.

10 MR. JACQUES: Mr. Maheux.

11  
12 JOSEPH ARTHUR MAHEUX, Recalled

13  
14 RE-DIRECT EXAMINATION BY MR. JACQUES:

15  
16 Q. I think Mr. Maheux that upon my  
17 request you have prepared documents which indicate  
18 the number of movages accomplished in the District  
19 of Quebec every year, ever since the year 1960 to  
20 1962 inclusive. Is this the document that you  
21 have prepared?

22 A. Not personally.

23 Q. But it stems from your office?

24 A. Yes, it is prepared in my office.

25 Q. I would now like to file it my lord  
26 as Exhibit 658.

27  
28 ---EXHIBIT NO. 658:

29 Document entitled Statement  
30 of Ship Movages Accomplished  
in the District of Quebec  
during the years 1960,  
1961 and 1962.







1 French

2 Q. I understand that this document  
3 gives other information, but my aim is to file it  
4 in order to indicate the number of movages accomplished  
5 each year and nothing else. Could you please tell us  
6 how many movages have been accomplished in the  
7 District during these years?

8 A. In 1960, 901. 1961, 853. 1962, 704.

9 Q. Do these figures include the movages  
10 in the District as a whole or solely the movages in  
11 Quebec?

12 A. In the District as a whole.

13 Q. And I think that you have prepared  
14 another document, which is the list of the candidate  
15 apprentice pilots for the Quebed District dated  
16 August 15th 1963 and I would ask to file this document  
17 as Exhibit 659. This exhibit already had a number,  
18 No. 656.

19 THE CHAIRMAN: This is the list of the  
20 candidate apprentice pilots?

21 MR. JACQUES: Yes sir.

22 Q. This Exhibit 656, on the extreme  
23 right column shows school. What school is that?

24 A. Well it is the Rimouski Navigation  
25 School.

26 -

27  
28  
29  
30 -





1 French

A2 2 Q. And the figure under that title  
3 indicates the number of years that the apprentices,  
4 or rather the candidate apprentices have accomplished  
5 at this Rimouski School?

6 A. Yes.

7 Q. And mention is made in the same  
8 column "partial failure". What type of failure would  
9 that be?

10 A. Well failure at the examination sub-  
11 mitted by this school.

12 Q. In other words, this is not an  
13 examination, something from the Pilotage Authority?

14 A. No, it's an exam requested by the  
15 school.

16 Q. The next column indicates the  
17 certificate?

18 A. Yes.

19 Q. And the abbreviation indicates 1 M  
20 indicates first mate. HT, home trade and the date  
21 that follows that mention represents what?

22 A. The date of the issuance of this  
23 certificate.

24 Q. Thank you.

25  
26 FURTHER CROSS-EXAMINATION BY MR. BRISSET:

27  
28 Q. I had asked you this morning to  
29 check the date of the last medical examination of pilot  
30 No. 49 in Exhibit 644, and naturally I am thinking about







1 French

2 medical examination requested by the office and not  
3 the medical certificate given by the attending physician  
4 of the pilot. Would you please give me that date  
5 now?

6 A. He was examined at Wolf Cove and  
7 the letter is dated August 29th 1962 from the Immigration  
8 Hospital.

9 "Captain Henri Allard,

10 "Pilot Supervisor,

11 "Department of Transport,

12 "Quebec, P.Q.

13 "Dear Captain:

14 "Upon your request we have examined  
15 "the pilot above mentioned at our clinic  
16 "on August the 28th. Doctor Roland Roy  
17 "who had made this examination gives the  
18 "following information:

19 "1) Personal History

20 "No previous operations and no serious  
21 "disease.

22 "2) Personal Habits

23 "Smokes pipe only. Drinks an average  
24 "of eight to ten cups of strong tea  
25 "every day. Has not taken any  
26 "alcohol for the past eighteen years.

27 "3) Present Symptoms

28 "Rheumatism or occasional rheumatism  
29 "at the knees, the right hip, the  
30 "right elbow and shoulder for the





French

"past three years. Intermittent  
"anal pruritis. Normal intestinal  
"functions. Normal stools; no blood.  
"Duration of the pruritis three years.

"4) Physical Examination

"Eyes: Bilateral senile arcs.  
"Vision: 20 and 25 bilateral.  
"Fondus: Sinuous retinal artery.  
"No arterio-venous compression.  
"No other abnormalities.  
"Nose, Ears and Throat: Normal.

"5) Pulmonary System

"Normal lung oscultation.  
"Cardio Vascular System:  
"cyanosis. Voluntary apnoea test  
"35 seconds (normal 30 seconds or more).  
"Heart: Normal sounds; regular  
"beat -- 92 beats per minute. No  
"murmur. Blood Pressure 130 over 90.  
"Peripheral pulsations of radial and  
"pedical arteries; normal.

"5) Abdomen

"Normal.

"6) Lower Limbs

"Perhiperal varicoses localized in the  
"third inferior part of the two legs.  
"No oedema.

"7) Genital-Urinal System

"Normal; no outside haemorrhoids.





French

"8) Urinalysis

"Acid reaction; clear acid -- density

"10-13. Albumin negative; glucose

"negative.

"Conclusions:

"Normal physical examination for the

"age of the patient.

(Signed)

"Doctor Roland Roy.

"Hoping that this information will be

"entirely satisfactory, I remain,

"Yours truly,

"Chief of Physicians,

"Doctor J.M. Couillard."







1 French

2 Q. Naturally I have lost you for quite  
3 a long while.

4 THE CHAIRMAN: Are there any further  
5 questions to ask this witness? Thank you Mr. Maheux.

6  
7 HENRI ALLARD, Sworn

8  
9 DIRECT EXAMINATION BY MR. JACQUES:

10  
11 Q. Please state your full name?

12 A. Henri Allard.

13 Q. Your age?

14 A. 36.

15 Q. Your occupation?

16 A. Assistant harbourmaster.

17 Q. During the last hearing in Quebec  
18 we had asked you to prepare statistics on the movage  
19 of ships in the St. Charles River Basin, in Louise  
20 Basin and elsewhere in the River for the year 1962.

21 Could you please give us the statistics?

22 A. In 1962, St. Charles River, 429  
23 arrivals, Basine 48 arrivals, St. Lawrence River 523  
arrivals.

24 Q. For the year 1962?

25 A. Yes.

26 Q. All the figures have been read by  
27 the witness my lord. Would you object to this document  
28 not being filed?

29 THE CHAIRMAN: No, it is not necessary  
30 to file this document.





1 French

2 Perhaps you could show this document to your colleagues,  
3 if they want to check it.

4 Q. You were also to bring copies of the  
5 correspondence exchanged between the counsel of the  
6 Harbours Board of Quebec and the Pilots' Association  
7 concerning the installation of aids to navigation in  
8 the Quebec Harbour?

9 A. Yes.

10 Q. Could I file this correspondence  
11 in a bundle as Exhibit 659?

12 THE CHAIRMAN: Could you please describe  
13 this correspondence?

14  
15 ---EXHIBIT NO. 659: Correspondence exchanged  
16 between the counsel of the  
17 Harbours Board and the  
18 Association of Licensed  
19 Pilots for the Harbour of  
20 Quebec and Below between  
21 January 1951 and May 4th  
22 1960 concerning the instal-  
23 lation of signals at the  
24 entrance of the St. Charles  
25 River Basin.

26  
27 Q. Mr. Allard I think that you have  
28 been Pilot Superintendent here in Quebec for a while.  
29 Is that true?

30 A. Yes, from September 24th to May  
1st 1963.

Q. Before being the Superintendent  
of Pilotage here in Quebec were you working for the  
Pilotage Service?

A. No. I was working for a private







1 French

2 company.

3 Q. Did you have any experience at sea  
4 before becoming a Superintendent?

5 A. Yes. I left the sea in order to  
6 work for the Pilotage Service here in Quebec.

7 Q. Do you have a given licence?

8 A. Yes. I am ocean going master, or  
9 Captain.

10 Q. When did you obtain it?

11 A. In June 1958.

12 Q. Where?

13 A. Halifax.

14 Q. Have you ever navigated as a ship's  
15 master?

16 A. No.

17 Q. During your term of office as  
18 Superintendent could you please explain to the  
19 Commission your duties?

20 A. Starting from the principle that  
21 pilotage is a service, well the duties of a Superint-  
22 endent include the supervision of the whole District  
23 in order to find out that the service is performed  
24 normally and efficiently and also it has to do with  
25 the administration at the central office here in  
26 Quebec City and the Escoumains sub-station which implies  
27 the administration of the staff as well as to see to  
28 the dispatching of pilots and the good work of the  
29 administration as a whole.

30 Q. I believe that the pilot dispatching





1 French

2 has been described and explained by Mr. Maheux. Insofar  
3 as discipline is concerned, do you think discipline  
4 of the pilots at Quebec falls within your competence?

5 A. Yes.

6 Q. Could you please tell the court  
7 if you ever had any opportunity of taking any disciplin-  
8 ary measures against certain pilots?

9 A. Yes. There were occasions where  
10 certain disciplinary measures had to be taken.

11 Q. And what procedure was followed in  
12 such cases?

13 A. When there was a complaint against  
14 the pilot who had shown misconduct or who had failed  
15 to observe a certain regulation, well then the pilot  
16 had to come to our office and give an explanation or  
17 to try and justify his behavior.

18 Q. Was the pilot asked to come to the  
19 office in writing?

20 A. No, not necessarily.

21 Q. When he was asked to come to the  
22 office was he told the reasons for which he was called  
23 to the office?

24 A. Yes. Usually the complaints about  
25 his behavior were given to him and when he could  
26 not find any reason, or good reason well he was  
27 fined or he was simply reprimanded.

28 Q. You say that when the pilot could  
29 not find good reasons then he was fined. Do you think  
30 that this means that you, as Superintendent, when offences





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(Jacques)

7333

1 French

2 were called to your attention, that you considered that  
3 the pilot was guilty of it unless he proved that  
4 he was not guilty?

5  
6 -

7  
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3/PRS 1 French

2 A. Well, unless a charge is made against  
3 a pilot -- well, after investigation.

4 Q. Oh, yes, you make investigation  
5 before calling the pilot?

6 A. Yes, then if the pilot was unable  
7 to sort of justify himself, well he was fined.

8 Q. Was the pilot called upon to take  
9 part in that investigation?

10 A. No. Now, I am talking about minor  
11 cases, because the duties of a Local Supervisor give  
12 him the right to fine a pilot up to \$40 only, so when  
13 a pilot was fined locally well it had to do with  
14 minor incidents.

15 Q. Could you please give examples of  
16 such minor incidents?

17 A. Well, for example, if there was a  
18 breach of the By-Laws, for example, if he didn't come  
19 on duty when he was called to board a ship.

20 Q. I understand that, because that type  
21 doesn't require a long inquiry.

22 A. No.

23 Q. You have assignment lists from  
24 your clerks which can give you all the facts. Did  
25 you ever have to deal with cases of intoxication?

26 A. Well, we had a case of intoxication  
27 which had been reported to us and required further  
28 investigation, a case that had been reported to the  
29 Regional Superintendent, and in Ottawa, and then the  
30 investigation was undertaken by Ottawa.





1 French

2 Q. So, if I understand properly you as  
3 Local Supervisor never had to take any kind of  
4 disciplinary measures in the case of intoxication but  
5 referred them to your superiors in Ottawa.

6 A. When there was a case of charges  
7 made for cases of intoxication, well, the preliminary  
8 inquiry was made by the Quebec Office and their  
9 recommendation was sent to the Authority in Ottawa for  
10 recommendation.

11 Q. But you weren't taking any actual  
12 measures against that pilot?

13 A. No.

14 Q. In what cases did you have to fine  
15 a pilot without having to refer the whole case to your  
16 superiors in Ottawa?

17 A. Well, for many cases, for example,  
18 you gave the idea of minor cases, for example, a person  
19 that didn't report for duty when he was assigned.

20 Q. Are there any further examples?

21 A. I can't think of any at the present  
22 time.

23 Q. This would be about the only case  
24 where you would have taken any disciplinary measures.  
25 In the case of intoxication, let us say, you made an  
26 inquiry in order to send a recommendation to Ottawa.  
27 What procedure did you follow for such an inquiry?

28 A. In the first place before being in  
29 a position to make an inquiry we needed a written  
30 charge, a written complaint so if the complaint is signed







1 French

2 by the Ship's Master, well then we proceeded as follows for  
3 the inquiry: We went on board the ship in order to  
4 collect all the facts and data and sign affidavits  
5 of persons who had been in contact with the pilot against  
6 whom the complaint was made.

7 Q. Was the pilot against whom the  
8 complaint was made notified in advance?

9 A. Well, yes, because once such a  
10 complaint reached us the first thing that we did --  
11 well, the pilot not only was called to the office and  
12 made aware of the facts, but his name was removed from  
13 the assignment list until we had time to finish our  
14 inquiry.

15 Q. Was he notified that you were making  
16 an inquiry about his case?

17 A. Yes.

18 Q. Also of the date and the hour at  
19 which you were going to board the ship?

20 A. No, no. This was depending entirely  
21 upon us. We took it upon ourselves to do it at a given  
22 time. It so happened, on the other hand, and in at  
23 least one case I remember that one legal adviser of  
24 the pilot came to the inquiry as an observer. That  
25 is the inquiry that was being held on board the ship  
26 itself.

27 Q. Yes, but the procedure you were  
28 following was not to take the pilot on board with you.

29 A. No.

30 Q. The affidavit that you were taking,





1 French

2 who was taking them under oath?

3 A. Myself because I was a Justice of the  
4 Peace.

5 Q. Who was drafting them?

6 A. Myself.

7 Q. In the case of the OAK HILL and the  
8 CONTINENTAL PIONEER, you were Superintendent at that  
9 time?

10 A. Yes.

11 Q. Could you explain to us how you  
12 proceeded in that case?

13 A. Well, if my memory serves me right  
14 in the case of the OAK HILL, the pilot . . .

15 Q. No names, please. Please don't  
16 mention the name of the pilot. I will ask the Commission  
17 to strike it off the record.

18 THE CHAIRMAN: Yes, and for the same  
19 reasons as yesterday I would ask that the name be  
20 stricken off the record.

21 THE WITNESS: The pilot mentioned had  
22 been absent for quite a while, about one month.

23 Q. That was before the first accident?

24 A. Because he was sick.

25 Q. Did you ask for a medical certificate  
26 in his case?

27 A. I think so.

28 Q. Could you check this in the file?

29 A. We have one here of the 11th of  
30 July, 1962.





1 French

2 Q. So, how long was it before the  
3 first accident?

4 A. Excuse me, there is another one on  
5 the 21st of August, 1962. The accident of the OAK  
6 HILL happened the 25th of August and there is a medical  
7 certificate of the 21st of August by a certain doctor  
8 saying: "I certify having examined . . . "

9 Q. No names. Mr. X.

10 A. On the 22nd of August of the present  
11 year. That is signed by the physician, no name.  
12 This was given to me personally by the physician himself.

13 Q. Well, this isn't really a certificate  
14 about fitness of the pilot. He just mentioned that  
15 he was under the care of the physician. Did you ask  
16 for a medical examination by a Government physician?

17 A. No, not in August because he had one  
18 in July.

19 Q. By a Government physician?

20 A. Yes, on the 11th of July.

21 Q. And what about the physician's comments  
22 about his ability to pilot?

23 A. Well, the medical examination proved  
24 that the man was in very good shape for that work.

25 Q. Then, after the accident what measures  
26 did you take?

27 A. If my memory serves me right, the  
28 pilot was put back on the turn on the 25th of August  
29 in the morning, and the accident to the OAK HILL  
30 happened in the evening of the 25th of August, the same







1 French

2 day he was put back on turns, and when the accident  
3 happened in the evening I went on board myself and the  
4 pilot disembarked at the same time with me. He was  
5 taken, removed from the list for some time, about a  
6 week.

7 Q. Didn't you find it strange that you  
8 had a certificate of his physician saying that Mr. X  
9 was able to do his work in July, and then that you  
10 had another certificate of a physician stating that Mr.  
11 X was under his care for a certain period?

12 A. No, because myself I had advised the  
13 pilot to go to a rest home for a while so the certificate  
14 of the 21st of August, 1962 saying that he was under  
15 the care of physician such and such for a certain period,  
16 well, that certificate made him think that he was in  
17 good shape to work again. That is why I put him back  
18 on the list.

19 Q. After the accident what measures  
20 did you take against that pilot?

21 A. I removed him from the list, during the  
22 preliminary investigation, and I put him back after  
23 that. During the preliminary inquiry I was authorized  
24 by the Piloting Authority to put him back on the list.

25 Q. Did you require any medical examin-  
26 ation from him at that time?

27 A. No.

28 Q. Was he still under doctor's care at  
29 that time?

30 A. No, not as far as I know.





1 French

2 Q. So you put him back on the list?

3 A. Yes.

4 Q. Now, how long after he was put back  
5 on the list did he have the second accident?

6 A. 10 days, if my memory is correct,  
7 unless I am mistaken. The second accident happened  
8 on the 5th of September, 1962.

9 Q. After the second accident were there  
10 any medical examinations?

11 A. After the second accident the pilot  
12 went to hospital for a few months. He stayed there for  
13 a few months. The Piloting Authority didn't ask for  
14 an immediate medical examination, but after the court  
15 decision. . .

16 Q. What court decision?

17 A. After the inquiry which was made  
18 after the second collision the pilot was losing his  
19 licence. He was suspended until he could prove that  
20 he was mentally and physically fit to work again.

21 THE CHAIRMAN: Could you explain to us  
22 what kind of accidents they were? Were they groundings?  
23 Were they collisions?

24 THE WITNESS: No, they were two groundings.

25 MR. JACQUES: My lord, unless you think  
26 it is necessary I don't want to go into detail of the  
27 other cases.

28 THE CHAIRMAN: If the other counsel want  
29 to do so they are certainly free to do so.

30 Q. Well, when you were Local Supervisor







1 French

2 had you met with any cases of, well, let us say, chronic  
3 alcoholism amongst pilots?

4  
5 --- (FRENCH REPORTER READS BACK QUESTION.)  
6

7 MR. LANGLOIS: I believe that it would  
8 be better to ask this question of a physician instead  
9 of asking it to Captain Allard. This requires medical  
10 knowledge, to answer this question.

11 MR. JACQUES: I will restate my question  
12 in a different way.

13 Q. When you were Local Supervisor  
14 were there any pilots who according to their reputation  
15 were under the influence chronically?

16 A. Well, I would say just like in any  
17 other profession, or any other trade.

18 Q. Let us say the Bar, if that is  
19 what you want to say. Did you apply special surveillance  
20 for people who had that reputation?

21 A. Well, alcoholism has always been  
22 a black point, not only for sailors, but also for  
23 pilotage, and this was one of the things to be looked  
24 after.

25 Q. Well, the ones who had that  
26 reputation, the people who had been fined before for  
27 that reason, could you tell us if those people were  
28 under a more special surveillance?

29 A. Not, personally I never met with any  
30 case where it was proved that a pilot could be an





1 French

2 alcoholic, or that he was notoriously alcoholic.

3 MR. JACQUES: Could you repeat the question?

4  
5 --- (FRENCH REPORTER READS BACK QUESTION.)

6  
7 MR. LANGLOIS: My lord, I am sorry to  
8 interrupt at this stage, but I don't think it was proved  
9 that anyone had been fined for that reason.

10 THE CHAIRMAN: The question has two aspects.  
11 First there is the reputation of people that he was  
12 tempted by the bottle. The question is did the witness  
13 do his duty, was he taking any precautionary measures  
14 to verify if these people were. We see some people  
15 who never touch a bottle for eighteen years, but for  
16 the others would he be more careful, was more care taken.

17 MR. LANGLOIS: All right. I was only  
18 talking about the last part of the question, my lord.

19 THE WITNESS: Yes, some measures were  
20 taken, precautionary measures. In principle before  
21 a pilot boards a ship, especially a ship in transit,  
22 he goes through the piloting office, so the clerks  
23 on duty had amongst their duties to exercise that  
24 care, that surveillance.

25 MR. JACQUES: That is by eyesight?

26 A. Yes.

27 Q. Did you give any special instructions  
28 to those clerks?

29 A. Yes.

30 Q. What kind?





1 French

2 A. If he recognized the pilot wasn't  
3 in physical condition to go on board a ship he would  
4 remove him from the list, see there is a pilot, and  
5 communicate with me immediately.

6 Q. When you gave the special instructions  
7 to your clerks, did you mention by name some pilots?

8 A. No, I don't think so.

9 Q. So you just gave the answer to the  
10 question I asked a few minutes ago. Did you have an  
11 opportunity to discuss the problems with the Pilots'  
12 Committee, any special problems?

13 A. Yes.

14 Q. What was the procedure followed in  
15 such cases?

16 A. Well, what do you mean?  
17 You mean meetings that were called by the Corporation  
18 or by myself?

19 Q. Well, one of the other.

20 A. Well, certainly, we used to meet  
21 to try to find solutions to some problems arising.

22 Q. When you say "we", who were "we"?

23 A. Well, the members of the Corporation,  
24 the members of the Committee and myself.

25 Q. Were you keeping records of such  
26 meetings?

27 A. When these meetings were held at the  
28 Pilots' Corporation, I think that they were keeping  
29 records.

30 Q. When the meetings were held in your







1 French  
2 office ?

3 A. No, it was informal in my office.  
4 It was informal meetings we had.

5 Q. Did you discuss, during your time  
6 in office did the pilots discuss some cases with  
7 Ottawa?

8 A. Yes.

9 Q. Before sending the problems to  
10 Ottawa were they discussed with you?

11 A. Yes.

12 Q. During these discussions were you  
13 presented the problem as an intermediary between your  
14 supervisors and the pilots or as somebody taking a  
15 decision?

16 MR. LALONDE: I think nobody could answer  
17 this question if it is framed in this way. If you  
18 are trying to find out what were the intentions of  
19 the pilots when they were submitting the problems we  
20 could wait until the President takes the stand and  
21 the question could be asked of him.

22 THE CHAIRMAN: Well, we will say was the  
23 problem submitted to the Superintendent for decision  
24 or for transmission to Ottawa.

25 MR. LALONDE: Yes, I agree, my lord.

26 THE WITNESS: Some decisions could be taken  
27 locally by myself, and members of the Committee knew  
28 very well what was my field and how far I could go.  
29 When I couldn't decide by myself I was telling them  
30 simply their requests or recommendations would be





1 French

2 transmitted to the Pilotage Authority in Ottawa.

3 Q. You say that the pilots knew the  
4 limits of your authority?

5 A. Yes.

6 Q. Did you mention those limits to  
7 them?

8 A. It was not necessary because all the  
9 functions and the duties and the authority of the  
10 District Supervisor are very well defined in the By-Laws  
11 of the District.

12 Q. Can you give us some examples of the  
13 instances where you were submitted or presented with  
14 problems which were within the limits of your authority?

15 A. Well, problems concerning dispatching,  
16 for example. All decisions concerning dispatching  
17 were taken locally.

18 Q. Yes?

19 A. The problems in respect of embarking  
20 and disembarking in Les Escoumains with the current --  
21 certainly there were several problems.

22 Q. Let us talk about embarkation and  
23 boarding ships in Escoumains. What were the problems?  
24 Did you take decisions yourself in these instances?

25 A. Are you asking for examples?

26 Q. Well, some concrete case that would  
27 have been submitted to you about boarding ships or  
28 disembarking in Les Escoumains. Was not there a  
29 problem about the way to go on board ships?  
30







RPS 1

French

A. Well the ship was supposed to have a ladder, and it was decided that the pilot could refuse to embark unless a special ladder was provided.

Q. Who took the decision?

A. After having established that any agents, waiting for ships on the St. Lawrence, would know what the special rules were, it was decided that even if the ship had to wait, this ship had to be provided with this accommodation ladder.

Q. You said the agents had to wait until the rule was known. Who published that rule?

A. Well that rule existed when I came into the piloting service.

Q. Now who adopted such a regulation?

A. If I remember, this went through the chief of the Nautical Division in Ottawa.

Q. So there was a By-Law about that? There was some regulation?

A. The decision taken was that the local Authority locally would support the request of the pilots when the pilots would request that accommodation ladder be provided.

Q. So you decided to apply the regulations?

A. Yes.

Q. Thank you.

THE CHAIRMAN: We are going to recess for a few minutes.





1 French

2 ---A SHORT RECESS.

3  
4 ---FOLLOWING THE SHORT RECESS:

5  
6 THE CHAIRMAN: Before resuming the evidence,  
7 about next week, we have discussed the matter further  
8 and I think that the Secretary also has contacted the  
9 counsel and I think it would be preferable to hold the  
10 hearing here next week so if there are any objections,  
11 please raise them right now, unless they check with  
12 their office, and so forth. Otherwise, I would like  
13 to make a ruling right now because for many this would  
14 mean making special arrangements for next week, hotel  
15 reservations, and so forth, and the same thing applies  
16 to interpreters and stenographers.

17 Are there any objections? I think it  
18 would be in the interests of the Commission that we  
19 resume our hearings here next week. Very well then,  
20 consequently, arrangements will be made and the Montreal  
21 hearing of next week will be then delayed until  
22 September 30th and we will, consequently, hold hearings  
23 here in Quebec City during the whole week.

24  
25 CONTINUATION OF DIRECT EXAMINATION BY MR. JACQUES:

26  
27 Q. When you started as a local  
28 Supervisor, what was the attitude you took concerning  
29 the settling of pilotage problems?

30 A. Well first of all, when I arrived here







1 French

2 in Quebec as local Supervisor, I held a meeting with  
3 the Committee of the Pilotage District of Quebec.  
4 I told them my opinion.

5 Q. Which was what?

6 A. Which was as follows: That I wanted  
7 all problems, so far as this was possible to do so,  
8 to be settled amongst us here on the local basis inas-  
9 much as they fell within my competence.

10 Q. Now in practice was that policy  
11 followed?

12 A. In practice, yes, it was followed  
13 and I don't know of any instance where the pilots  
14 have done anything whatsoever or contacted Ottawa  
15 authorities without my being informed in advance about  
16 their own negotiations.

17 Q. Now in the field that you felt was  
18 still your competence, or your province, did pilots,  
19 without asking you for decisions, did they contact  
20 directly the Central Authority in Ottawa?

21 A. Well in matters within my jurisdiction  
22 here in Quebec, not that I can remember.

23 Q. Did you ever have occasion of  
24 settling difficulties arising between pilots and  
25 representatives of the Pilotage Authority?

26 A. Yes, it happened in at least one  
27 instance.

28 Q. And what was the nature of such  
29 difficulty?

30 A. Well there was an administrative







1 French

2 difficulty at the Escoumains sub-station and then the  
3 difficulties were sort of wiped out.

4 Q. By yourself?

5 A. Well upon my recommendation.

6 Q. Well upon your recommendation to  
7 whom?

8 A. Well to the Central Authority.

9 Q. So the decision made about this  
10 dispute or difficulty was made by whom?

11 A. Well the decision was made by the  
12 Central Authority after local recommendation.

13 Q. These recommendations that you have  
14 made, have you discussed these recommendations with  
15 the pilots previous to sending them to Ottawa?

16 A. Yes, of course. They were mentioned  
17 because most of the complaints arose from the pilots.

18 Q. Your recommendations, before being  
19 sent to Ottawa, received the full support of the  
20 pilots?

21 A. At the same time as my recommendations  
22 were being sent to Ottawa, I have been advised that  
23 the pilots themselves were making a recommendation  
24 directly to the Central Authority to the same effect.

25 Q. How did you learn about that?

26 A. Well during a meeting.

27 Q. Did you learn about that officially ?

28 A. Yes.

29 Q. I think that during your term of  
30 office, there was a complaint made by one of your





1 French

2 clerks that one pilot, who was ready to embark, or  
3 rather to go aboard a ship, was intoxicated. Do you  
4 remember that incident?

5 A. No, I don't remember.

6 Q. Subsequently there was an inquiry,  
7 rather a lengthy investigation and the complaint that  
8 had been made by the clerk had been rejected by the  
9 Pilotage Authority.

10 A. I think that you are referring to  
11 something that happened before I arrived here in  
12 Quebec.

13 Q. Thank you.

14  
15 CROSS-EXAMINATION BY MR. LALONDE:  
16

17 Q. Captain Allard during your term of  
18 office as local Supervisor of Pilotage, did you obtain  
19 constantly the co-operation of the Board of the  
20 Corporation of Pilots?

21 A. Yes.

22 Q. I mean by that that the pilot repres-  
23 entatives have supported you in your functions?

24 A. Yes.

25 Q. Could you please tell us if the  
26 pilot representatives, or the Board of the Corporation  
27 has ever objected to the disciplinary measures that  
28 you had applied?

29 A. No, not that I can remember.

30 Q. Is it not a fact that this same







1 French

2 Committee has encouraged you on many occasions to take  
3 disciplinary measures?

4 A. Yes, it is true.

5 Q. According to your own experience as  
6 a local Supervisor, would it be a good idea if greater  
7 authority was granted locally for the administration  
8 of Pilotage?

9 A. I think so, yes.

10 Q. Thank you.

11 English  
12 CROSS-EXAMINATION BY MR. MASON:

13  
14 Q. Captain Allard during your tenure  
15 of office, did you ever have occasion to impose a fine  
16 on any pilot?

17 A. Yes, it has happened.

18 Q. And for what type of infraction  
19 was this fine levied, or these fines levied?

20 A. The one I remember often were mostly  
21 for missing their turn.

22 Q. Was this one infraction or several  
23 infractions?

24 A. One at a time.

25 Q. Was it one pilot involved or  
26 several pilots?

27 A. No, several pilots.

28 Q. How many pilots would there be?

29 A. I don't remember offhand. I would  
30 say five or six.





1 English

2 Q. Do you remember what year these were  
3 in?

4 A. The end of 1961 and in 1962.

5 Q. And how much would these fines be?

6 A. I had the Authority to impose a fine  
7 up to \$40. Most of the time it was -- for the first  
8 time it was around \$20, \$25.

9 Q. And then for subsequent infractions  
10 by the same pilot the fine would be increased?

11 A. That is right.

12 Q. With reference to By-Law No. 21 of  
13 the Quebec Pilotage District, General By-Law, sub-Section  
14 2 says:

15 "Every pilot or apprentice who is  
16 "found by the Superintendent to have  
17 "violated this By-Law is liable to a pen-  
18 "alty of \$40."

19 Now I take it that your interpretation of  
20 such sub-Section is that that is the maximum?

21 A. That is right.

22 Q. And that you have the power to decide  
23 whether it should be less?

24 A. That is right.

25 Q. To whom were these fines paid?

26 A. To the Receiver General of Canada.

27 Q. Now I note in Exhibit 658, it is  
28 not very clear and I might be mistaken, there is the  
29 word "fines" printed on the lefthand column in 1962  
30 and the number 2 for the number of fines and total





1 English

2 amount of \$65?

3 A. Yes.

4 Q. Is that correct?

5 A. Yes.

6 Q. So of these five infractions that  
7 you mention, I gather you only collected two fines  
8 and that these two fines totalled \$65? Would that be  
9 correct?

10 A. I only arrived in Quebec at the end  
11 of September 1961. I don't remember if any fines  
12 had been imposed before my arrival in 1961.

13 Q. In any event, to the best of your  
14 knowledge these fines are paid to the Receiver General  
15 of Canada?

16 A. Yes. If I remember correctly --  
17 or just a minute there ---

18 Q. This exhibit is entitled:  
19 "Comparative report on Pilotage earnings". I am  
20 just wondering whether it goes into the Pilotage fund?

21 A. No. I am sorry, I think those  
22 fines go to the Pilots' fund.

23 Q. The pension fund?

24 A. Pension fund.

25 Q. And further on in your evidence you  
26 mentioned that should an incident arise, that you  
27 carry out-involving intoxication, that you would carry  
28 out an investigation locally and would make recommend-  
29 ations?

30 A. Yes.







1 English

2 Q. I believe you send them to the  
3 Pilotage Authority in Ottawa?

4 A. That is right.

5 Q. What sort of recommendations would  
6 these be? Would they be recommendations as to  
7 punishment?

8 A. Yes.

9 Q. As to suspension, as to duration of  
10 suspension?

11 A. Yes.

12 Q. What sort of action, in your exper-  
13 ience, was taken by the Pilotage Authority on these  
14 recommendations?

15 A. I remember one instance of a case  
16 I could mention after the fact-finding investigation  
17 the recommendation was for a preliminary investigation  
18 and the case has not been settled yet.

CC2 19 Q. And this is the only incident that  
20 comes to mind?

21 A. Right.

22 Q. Have there been any casualties in  
23 this District during the time you were in office?

24 A. Yes.

25 Q. And you made a preliminary investig-  
26 ation?

27 A. A fact-finding investigation.

28 Q. And on this fact-finding investigation,  
29 which I gather is a one-man investigation?

30 A. Yes.





1 English

2 Q. Carried out by yourself?

3 A. Yes.

4 Q. On this investigation you make these  
5 recommendations to Ottawa?

6 A. That is right.

7 Q. And on only one you recommended  
8 a preliminary investigation?

9 A. Only one case where alcohol was  
10 concerned.

11 Q. Have you ever recommended to Ottawa  
12 that a pilot's licence be suspended for any cause?

13 A. No. After the fact-finding invest-  
14 igation, if there was any need for it, I was recommend-  
15 ing a preliminary investigation and it was up to the  
16 investigators to make their own recommendation after-  
17 wards.

18 Q. Have any of these preliminary  
19 investigations been carried out while you have been  
20 in office?

21 A. Yes.

22 Q. Have you been involved in an  
23 inquiry board?

24 A. Yes, because most of them were  
25 taking place here in Quebec for accidents or incidents  
26 arising in the District.

27 Q. On this preliminary investigation,  
28 is this carried out by yourself in conjunction with  
29 other people?

30 A. In conjunction with other people.







1 English

2 Q. How many other people? Would there  
3 be one or two?

4 A. Usually two I would say.

5 Q. These two people, are they officials  
6 or officers of the Department of Transport?

7 A. They are officials of the Department  
8 of Transport.

9 Q. Any two in particular?

10 A. Well one would be the official  
11 investigator.

12 Q. And who would that be?

13 A. Captain Gendron, and the other  
14 one would be the Regional Superintendent of Pilots.

15 Q. And these boards of investigation,  
16 which I presume are set up under the regulations  
17 pertaining to casualties, did these boards make any  
18 recommendations as to the suspension of licences?

19 A. On those preliminary investigations  
20 there is always a Commissioner who would make the  
21 recommendation afterwards.

22 Q. So the recommendations are of the  
23 Commission and not of the people like yourself?

24 A. That is right.

25 Q. During your tenure in office again  
26 have you ever had any of your clerks stop a pilot  
27 from going aboard a vessel for the reason of being  
28 under the influence of alcohol?

29 A. Not to my knowledge.

30 Q. To your knowledge has this ever





1 English

2 happened?

3 A. I think it has happened.

4 Q. Do you think it is likely that it  
5 would happen that a clerk would stop a pilot?

6 A. Yes, I think it would happen. It  
7 could happen.

8 Q. Now my friend, Mr. Lalonde, indicated  
9 to you, and you agreed with him, that the pilots  
10 had never objected to any disciplinary measures being  
11 taken by you and had, in fact, on occasion encouraged  
12 it?

13 A. That is right.

14 Q. Now I wonder if you could elaborate  
15 on that any further? How have they encouraged it?

16 A. They certainly did everything they  
17 could. They supplied all the information that we  
18 were seeking concerning the incidents or a pilot.

19 Q. Thank you.

20 (THROUGH THE INTERPRETER.)

French  
21  
22 CROSS-EXAMINATION BY MR. BRISSET:

23  
24 Q. Mr. Allard you were holding that  
25 position from September 24th 1961 to May 4th 1963?

26 A. Yes.

27 Q. My colleague, Mr. Mason, was asking  
28 questions concerning the fines levied during your  
29 tenure of office, and was drawing your attention to  
30 Exhibit 658. Do you have it before you?





1 French

2 A. Yes.

3 Q. You will note that during the year  
4 1962 there does not seem to have been any fines levied,  
5 as they are not recorded in this exhibit. Is there  
6 any explanation for that, because I have understood  
7 that you had levied a few fines in the year 1962?

8 A. I wonder if this report is the final  
9 report that has been produced at the end of the year  
10 1962.

11 Q. If you had levied a fine, the  
12 amount should be shown in this exhibit?

13 A. Yes.

14 Q. You talked to us about certain problems  
15 that arose in the Quebec District, problems that interested  
16 you during your tenure of office. Do you remember  
17 that at the beginning of the year, 1962, mention was  
18 made of levying a charge to the pilots concerning  
19 transportation from St. Lawrence to Escoumains? Did  
20 that recommendation come from you or from your office?

21 A. No. Insofar as I can remember the  
22 recommendation had been made before my arrival at that  
23 office.

24 Q. Before September 1961?

25 A. I think so.

26 Q. Was your office officially informed  
27 about it?

28 A. I don't remember having been informed  
29 about that fact by the Central Authority.

30 Q. How did you learn that such a charge







1 French

2 could be made, or that it was being discussed?

3 A. Well by the District Committee of  
4 Quebec.

5 Q. You mean by the Pilots' Committee  
6 and not by the Pilotage Authority in Ottawa?

7 A. That is true.

8 Q. Did you have the opportunity of  
9 sending your recommendation to the Pilotage Authority  
10 in Ottawa concerning that charge?

11 A. No.

12 Q. You were also aware that there was  
13 a work stoppage on the part of the pilots of this  
14 District at the beginning of the 1962 season?

15 A. Yes.

16 Q. Have you been consulted by the  
17 Pilotage Committee, or by the pilots of your District  
18 before this stoppage of work took place?

19 A. No.

20 Q. When did you learn that there would  
21 be a stoppage of work? Before the occurrence of that  
22 event or afterwards?

23 A. Well I was advised by the Pilots'  
24 Committee of the Quebec District that general meetings  
25 would be held.

26 Q. When were you so notified?

27 A. Well perhaps a few days before  
28 the holding of this general meeting.

29 Q. Did you deem it pertinent then to  
30 convene a meeting with the Committee or with the pilots





1 French

2 of the District in order to discuss the reasons for  
3 such a stoppage of work which had been already announced?

4 A. No, because after having contacted  
5 the Regional or Central Authorities, I had been  
6 informed that the Pilotage Authority, the Central  
7 Pilotage Authority was looking after that problem.

8 Q. Am I to understand then that the  
9 problem, or the problems raised at that time were  
10 problems for which you did not try to find a possible  
11 solution?

12 A. This is true, I did not. There was  
13 no participation on the part of the local Authority  
14 in Québec.

15 Q. Are you personally aware that during  
16 that stoppage of work radio messages or telegrams  
17 had been sent to the ships arriving to Les Escoumains?  
18 These messages stated or informed them that pilots  
19 were on strike or at the general meeting and that  
20 they were not to go upstream on the St. Lawrence?

21 A. No.

22 MR. LALONDE: I am sorry, but would my  
23 learned colleague read the said message as it is  
24 included in the brief of the Shipping Federation so  
25 there would be no confusion insofar as the contents  
26 of that message are concerned?

27 THE CHAIRMAN: I suppose that evidence  
28 of it will be given later on.

29 MR. BRISSET: What I wanted to know is  
30 if the witness is informed.







1 French

2 THE CHAIRMAN: Please read the telegram.

3 Q. Captain I would like to read you  
4 the text of a message addressed on April 9th 1962 via  
5 Mont Joli radio station to ship EMMA JOHANNA reading  
6 as follows:

7 "No licensed pilot available on

8 "St. Lawrence River from Escoumains to

9 "Kingston STOP No buoys in position STOP

10 "and in view of latest grounding and

11 "harbour damages by ship navigating without

12 "licensed pilot we advise you find safe

13 "anchorage east of Escoumains until further

14 "notice."

15 Signed Federation of the

16 St. Lawrence River Pilots.

17 Were you personally informed Captain Allard  
18 that such a message had been sent to that given ship,  
19 or similar messages were sent to other ships in  
20 your District during the work stoppage of April 1962?

21 A. No, I was not aware of that  
22 message.

23 Q. Consequently it was done without  
24 your knowledge or your authority if such messages  
25 have been sent?  
26  
27  
28  
29  
30





B/RPS1 French

A. Well, I don't recall that such a message -- that I have seen such a message myself at the time of the general meeting in April 1962.

Q. In other words you have never been notified about such a message?

A. No, not that I could remember.

Q. Did you learn indirectly such messages, or just one in particular, had been transmitted?

A. No, never.

Q. Even after the end of such work stoppage?

A. Never at any time.

Q. Captain, could you keep before you the record of the pilot who was in the two accidents in the OAK HILL and the CONTINENTAL PIONEER. Captain you told us that on July 11th, 1962 you had obtained a medical examination of that pilot. I am drawing your attention to the By-Law No. 23, sub-Paragraph 2 which reads as follows:

"When at any time the Superintendent  
"has reason to believe that a pilot's  
"fitness for duty has become impaired  
"by reason of defective eyesight of hearing or by reason of any other physical  
"or mental disability he may, with the  
"approval of the Authority order the pilot  
"to undergo an examination or examinations",  
and so forth, "until the Authority is satisfied the





1 French

2 "pilot is fit to perform his duties".

3 Can you tell us if this was to effect the  
4 By-Law, in order to enforce it that you requested the  
5 examination of the pilot?

6 A. Yes.

7 Q. Consequently you had every reason  
8 to believe that the fitness of the pilot was impaired  
9 by some reason?

10 A. Yes.

11 Q. What were your reasons at that time?

12 A. I think all my opinions about that  
13 was based on the fact that that pilot had missed his  
14 turn many times within a given period of time.

15 Q. And naturally when a pilot misses  
16 a turn -- at what date exactly did this pilot miss his  
17 turn in 1962?

18 A. Well, I would say since June.

19 Q. So, since June, 1962, of course.

20 A. Yes.

21 Q. Did that pilot ask for leave of  
22 absence during that period of time?

23 A. Not that I can remember.

24 Q. Am I to understand then that it was  
25 an absence which wasn't authorized by the Authority?

26 A. Yes.

27 Q. So, how many times did these unjust-  
28 ified occurrences occur in that period of time?

29 A. Well, I see here that a fine had  
30 been levied to that pilot on June 13th, 1962 because







1 French

2 he had missed his turn in Quebec.

3 Q. Consequently the fine levied on  
4 June 13th had to do with an incident that preceded  
5 June 13th.

6 A. Yes.

7 Q. During the period that lapsed between  
8 June 13th and July 11th was that pilot absent also  
9 from duty?

10 A. Yes, partly.

11 Q. Now, had you been requested leave  
12 of absence or permission, for example, by submitting  
13 a medical certificate from that pilot?

14 A. No, not that I can think of.

15 Q. So that the absences that occurred  
16 between June 13th and July 11th were all absences  
17 that weren't authorized by yourself as Supervisor?

18 A. Yes.

19 Q. Then did you deem it necessary to  
20 take any disciplinary measures concerning these absences  
21 in the course of that month, that is from June 13th to  
22 July 11th?

23 A. Well, if I remember correctly it  
24 is during that period of time that the mentioned  
25 pilot was removed from the assignment list for a while,  
26 and when he came back with five or six trips behind  
27 his colleagues his name was put again on the average  
28 of pilots, which constituted indirectly an extremely  
29 high fine.

30 Q. Which would be valued at \$500 or





1 French

2 \$600. Now, before July 13th were there many absences  
3 on the part of that pilot, absences not authorized,  
4 but you hadn't obtained any medical report from him?

5 A. Well, before July 11th . . .

6 Q. What I would like to know is for  
7 what reason on July 11th, 1962 you deemed it a good  
8 idea to ask for a medical examination concerning the  
9 fitness of the pilot to perform his duties? What were  
10 the reasons which made you take such a decision?

11 A. Certainly the fact that the pilot  
12 wasn't deeply concerned by his duty. There was some-  
13 thing to be verified, to know why he was so often  
14 missing his turns, and I asked the examination, and  
15 I thought he had some physical unfitness, and that is  
16 why I asked for a medical certificate.

17 Q. So your conclusion was that there  
18 was some possible, to use your words, physical unfit-  
19 ness, that he wasn't in such a physical condition as  
20 to be allowed to fulfil his duties?

21 A. No, I would rather say that his  
22 physical condition would make him miss his turn, but  
23 not make him unable to fulfil his duties.

24 Q. Could you be a little more specific.  
25 When you say his physical condition would lead him  
26 to be absent and miss his trip -- you mean an illness?

27 A. I believed that with a medical  
28 examination maybe the Department of Health that the  
29 result could -- there could be a psychological  
30 result which would increase his assiduity.







1 French

2 Q. Did you inquire from his -- did you  
3 call him to your office to study his frame of mind?

4 A. Yes.

5 Q. And his behavior. Did his behavior  
6 lead you to believe that a medical examination was  
7 necessary?

8 A. Yes.

9 Q. How long did this last?

10 A. One month.

11 Q. So, that was going on for one month  
12 or more before the 11th of July?

13 A. Yes.

14 Q. Now, you have the medical report of  
15 the 11th of July, 1962, and the report that he was in  
16 a physical and mental -- good physical and mental  
17 state, but, Captain, in spite of the result of such  
18 a report you thought it was proper to recommend to the  
19 pilot to take some rest. Did you say that?

20 A. Yes, that is what I stated.

21 Q. What led you to make this recommend-  
22 ation to him in spite of the fact that the medical  
23 certificate showed that he was able to fulfil his  
24 duties?

25 A. Well, I had learned that the pilot  
26 had a certatin personal problem, I would say a home  
27 problem, and that I thought that if he was taking a  
28 rest maybe it could have been improved.

29 Q. So, after that period of rest he  
30 came back to the office and he was put back in his turn?





1 French

2 A. Yes.

3 Q. That happened on the 25th of August?

4 A. Yes.

5 Q. So the rest he received was about  
6 seven weeks, from the 11th of July to the 21st of  
7 of August?

8 A. One moment please. The card that  
9 we have here in the file from a certain physician  
10 is a certificate that says "I had under my care Mr."  
11 so and so "from August 2nd to August 21st".

12 Q. This document of which you read an  
13 extract, am I right to believe that it was a document  
14 justifying the absence according to the regulations?

15 A. Yes. Well now, there is another  
16 reason for such a document. The rest had been taken  
17 in a certain clinic where the physician in charge  
18 refused to establish a medical certificate. He only  
19 certifies that he had a certain patient under his  
20 care, but he refuses to sign any other document.

21 Q. I understand that you thought it  
22 wasn't proper to ask for any other certificate than  
23 this one?

24 A. Well, the value of a medical certifi-  
25 cate can raise some doubt in circumstances.

26 Q. In other words you based your judgment  
27 on the medical certificate of the 11th of July?

28 A. Yes, rather.

29 Q. Now, Mr. Maheux this morning stated  
30 to us that the accident occurring to the OAK HILL





1 French

2 happened in Lauzon, and that it was a downstream going  
3 ship and that the pilot had embarked in Quebec. Do  
4 you have in your file the time of embarkation as well  
5 as the time at which the accident occurred?

6 A. The accident occurred on the 25th  
7 of August, 1962.

8 Q. If I could make things easier for  
9 you, the pilot embarked at 22:30 and the accident  
10 happened at 22:39. Does that agree with your records?

11 A. Well, I regret that I don't have  
12 the accident report, so I don't have the exact hour  
13 of embarkation.

14 Q. Well, the accident happened in  
15 Lauzon which is just on the other side of the river.

16 A. Yes.

17 Q. Near buoy 87-1/2, about one mile  
18 from the normal point of embarkation?

19 A. Yes, one or two miles from that  
20 point.

21 Q. On the south side of the river?

22 A. Yes.

23 Q. You told us that after the accident  
24 you went on board the ship yourself. Do you remember  
25 at what time you reached the ship?

26 A. I came on board around -- it was  
27 half past midnight, or maybe one a.m. on the 26th.

28 Q. That is about, nearly two hours  
29 after the accident?

30 A. Yes.







1 French

2 Q. What is the purpose of your visit?

3 It was to make an inquiry, an investigation, I imagine?

4 A. No, not necessarily. I didn't  
5 expect to be able to make an investigation at that  
6 time. I wanted to be on the spot to see if the  
7 Captain needed help, or if we could be useful to him  
8 and also to check what was the condition of the pilot,  
9 about his nervous condition and so on.

10 Q. In fact, you went on board to see  
11 how was the pilot concerned?

12 A. Yes, but I wouldn't say it was the  
13 main reason of my going, the reason why I boarded the  
14 ship. The first reason was to show to the Captain  
15 that there was somebody from the Transport Department  
16 which would take care of the accident, show interest  
17 in the accident.

18 Q. In fact, did you check what was the  
19 pilot's condition at that time?

20 A. Oh, yes, because he disembarked  
21 with me and we talked in the office for a while.

22 Q. When you were on board the ship did  
23 you ask of the ship's Captain and the officers about  
24 the pilot's behavior just before and just after the  
25 accident?

26 A. No, not immediately because as every-  
27 body was very excited on board I didn't think it  
28 was proper to ask any questions at that time.

29 Q. Were any details offered to you?

30 A. No, and I certainly didn't -- I preferred





1 French

2 not to have any. I told the Captain that I would come  
3 back the next morning.

4 Q. So you were given no information  
5 at that time, at one in the morning, no information  
6 about the pilot's behavior. When you came back to  
7 Quebec and when you talked to the pilot on board the  
8 ship or on board the launch, did you note the pilot's  
9 behavior?

10 A. I think it was very normal for the  
11 circumstances.

12 Q. Did you smell his breath?

13 A. Yes, and I made a special effort  
14 in that direction.

15 Q. Was he smelling of garlic?

16 A. No, absolutely not.

17 Q. The next morning when you went back  
18 on board the ship to make your inquiry did you ask  
19 for information about the pilot's behavior?

20 A. Yes, the next day when I went back  
21 the Captain told me that he wasn't going to make any  
22 statement himself, or his officers before the arrival  
23 of his legal adviser.

24 Q. Later on did you happen to learn what  
25 had been the pilot's behavior immediately after the  
26 accident?

27 A. Yes.

28 Q. Were you told that he fell asleep,  
29 in a deep sound sleep, and that it wasn't possible  
30 to wake him up?







1 French

2 A. Are you really talking about the  
3 OAK HILL accident -- no, I wasn't told so.

4 Q. Do you have any experience on these  
5 matters, to judge about the physical condition of a  
6 man, Mr. Allard?

7 A. Well, I had met the pilot on the  
8 morning of the 25th of August, which was the morning  
9 that he was put back on the list. He seemed very  
10 fit. His moral was good, and he was very enthusiastic  
11 about going back to work.

12 Q. What did you do after the 25th  
13 of August about putting him back on the list?

14 A. Well, immediately after the accident  
15 he was removed from the list, and I don't have the  
16 exact dates, but I think he was out of the list for  
17 about a week.

18 Q. For what reason? Why did you do  
19 so?

20 A. First to facilitate the inquiry,  
21 the investigation, and also to let him make the accid-  
22 ent report himself.

23 Q. Is it normal when a pilot is involved  
24 in an accident to remove him from the list immediately,  
25 in your District?

26 A. Yes, it is the practice.

27 Q. Is it the practice that is always  
28 followed?

29 A. No, not always, but it is the normal  
30 practice.





1 French

2 Q. In all cases of major accidents?

3 A. Yes, yes.

4 Q. During your term of office?

5 A. Yes.

6 Q. Was it the case in all the major  
7 accidents which are given in Exhibit No. -- Captain,  
8 please have a look at Exhibit 642, particularly  
9 accidents reported in the 1962 season when you were  
10 in office and tell us if all of these accident, at  
11 least the major accidents, if the pilot concerned  
12 was removed from the list?

13 A. I think it is correct, in all major  
14 accidents the pilots are removed from the list.

15 Q. Another question about this accident,  
16 Captain: As you were on the spot an hour or two after  
17 the accident, was the weather clear? Can you confirm  
18 that there were no special circumstances?

19 A. Yes, it was a nice day.

20 Q. You say he was put back on the list  
21 about a week after the accident. Can you give us the  
22 exact date?

23 A. No, I don't have it here.

24 Q. Can you tell us if he made trips  
25 before the second accident on the 5th of September,  
26 1962?

27 A. I think so.

28 Q. How many?

29 A. No.

30 THE CHAIRMAN: If this information is useful,





1 French

2 and also other information that could also be useful,  
3 we would ask this witness to bring this information for  
4 tomorrow.

5 MR. BRISSET: Do you want to adjourn,  
6 my lord?

7 THE CHAIRMAN: Just a few more questions.

8 Q. Coming up to the case of the  
9 CONTINENTAL PIONEER, can you tell us at what time the  
10 pilot embarked?

11 A. I don't have this information in  
12 this file.

13 Q. Well, subject to your confirmation  
14 he went on board at 21:15 on the 5th of September.

15 A. That may be so.

16 Q. In Les Escoumains. It was a ship  
17 going upstream. Do you have the time of the accident?

18 A. No, not here.

19 Q. According to my information, and  
20 subject to your confirmation, the accident happened  
21 at 21:40, three miles west of the Pilotage Station  
22 at Escoumains, about three miles west.

23 A. In the Anse a la Barque.

24 Q. Have you been informed about this  
25 accident? You were informed immediately after the  
26 accident?

27 A. Yes.

28 Q. Have you taken any steps to make  
29 any investigation?

30 A. Yes, I went on the spot immediately.







1 French

2 Q. Well, to come back, you said that  
3 he was put back on the list. Did you do that under  
4 your own responsibility or under the responsibility  
5 of the Pilotage Authority in Ottawa? Who took the  
6 decision, in other words?

7 A. I have no memory of this, but I  
8 think the decision had been approved by higher  
9 authorities..

10 Q. In other words you made a report  
11 with recommendations and your recommendation was that  
12 he should be put back on the list?

13 A. No, I asked for a preliminary  
14 investigation, but that he would be put back on the  
15 list in the meantime.

16 MR. LANGLOIS: My lord, excuse me, but to  
17 understand the evidence -- the witness said that in  
18 such cases the pilot was taken out of the list to  
19 facilitate the fact-finding investigation of the  
20 Ministry. There was no fault, proven fault, but just  
21 for the reason that the pilot should be at the  
22 disposal of the Ministry.

23 THE CHAIRMAN: And also, I think there  
24 may be a security reason, and I think Mr. Brisset  
25 was trying to show this point.

26 -  
27  
28  
29  
30 -





MR/RPS<sup>1</sup>

French

Q. Mr. Alard I would like to draw your attention to Rule 19(4) which says:

"Where the Superintendent believes  
"that a pilot has been under the influence  
"of intoxicating liquor and narcotic drugs  
"while on duty, he may remove the pilot  
"from the assignment list and shall make  
"a full investigation into the matter and  
"submit a report thereof to the Authority."

Would you tell us during your term of office how you applied that rule?

A. If there were reports showing that a pilot was under the influence of intoxicating liquor or narcotics, we were justified to remove his name from the assignment list until a further investigation be made.

Q. In other words, if I say you were applying this rule, the pilot should not have been put back on the list before the result of the inquiry?

A. I don't think it was the ordinary rule. Usually the counsel or somebody under such an accusation would say it is up to you to prove that he is guilty and then he will be taken off the list completely.

Q. Do you interpret Paragraph 2 of Article 23, when it says that if the Superintendent believes that the pilot is incapacitated, he should have a medical examination and should not be put back until he is fit to perform his duty, were you waiting for







1 French

2 his medical certificate?

3 A. If there are doubts, no, because  
4 there is still always the security factor and in fact,  
5 these regulations to me, they are directive, it is  
6 a guide, but good sense and judgment has to be applied  
7 and to be applied first.

8 Q. Now in the case of the accident of  
9 the OAK HILL, did it come to you that the pilot concern-  
10 ed could have been in a condition which was such that  
11 it permitted you to invoke one or the other of these  
12 two regulations? That is that he could have been  
13 under the influence of intoxicating liquor or narcotics  
14 or that he could have been in a physical condition  
15 such that he could not perform his duty?

16 A. No, that did not come to my mind  
17 until the end of the investigation. Not the fact-finding  
18 investigation, but the preliminary investigation.

19 Q. You mean the preliminary investigation  
20 which is made by the Piloting Authority?

21 A. Yes.

22 Q. The preliminary investigation about  
23 the first accident, when did you know the result about  
24 this first preliminary inquiry?

25 A. The result was given to us only a  
26 few months later but after having followed the prelimin-  
27 ary investigation, I had taken my own conclusions.

28 Q. So it did not come to you after  
29 the second accident that the pilot concerned may not  
30 have been fit to perform his duty?





1 French

2 A. Well after the second accident I  
3 was not quite sure of this and this is the reason  
4 why he was never put back on the list.

5 Q. Now to return to the second accident,  
6 you say that you went on board when?

7 A. The next day.

8 Q. When did you arrive on board?

9 A. Around noon or one p.m.

10 Q. Could you tell us, according to your  
11 information or information on file, if the weather  
12 was good or were there any special circumstances?

13 A. I think the weather was very good.

14 Q. Did you see where the ship was  
15 grounded?

16 A. Yes, because I went on board. It  
17 was still grounded.

18 Q. Were you able to embark from the  
19 shore? Could you have embarked from the shore?

20 A. Yes.

21 Q. In the bay where he was?

22 A. Yes, maybe.

23 (THE INTERPRETER: I cannot hear Mr.  
24 Langlois through the microphone.)

25 THE CHAIRMAN: It seems that the microphones  
26 no longer want us to work this evening. I did not  
27 want to interrupt you on the subject matter and I would  
28 like you to finish this subject.

29 MR. BRISSET: I don't have very long.

30 THE CHAIRMAN: We are going to let you





1 French

2 finish.

3 MR. LANGLOIS: I would like only to note  
4 my lord that perhaps our learned colleague was trying  
5 to convince us that the ship's officers were noting  
6 that the ship was running aground.

7 Q. Mr. Allard upon your arrival on  
8 board the CONTINENTAL PIONEER, the day after the accid-  
9 ent or the casualty, did you try to find by yourself  
10 what was the physical status or condition of the pilot  
11 at that time?

12 A. Yes. We asked questions to the  
13 captain and the officers. We collected affidavits  
14 from them.

15 Q. Now insofar as his behavior is  
16 concerned immediately after the accident, what is the  
17 information you obtained?

18 A. Well a year has passed since.

19 Q. Would it facilitate your memory if  
20 you had been told that the pilot fell asleep soundly and  
21 that it was impossible to wake him up for many hours  
22 and that he reeked of garlic?

23 A. Yes.

24 Q. Do you know what these symptoms  
25 indicate?

26 MR. LALONDE: That he ate garlic.

27 A. No, I don't know.

28 Q. And you did not try to get information  
29 about that?

30 A. Personally, yes, I tried.







1 French

2 Q. As personal information?

3 A. Yes, I tried to get an idea about  
4 it but the preliminary investigation or the official  
5 investigation did not reach me.

6 MR. JACQUES: Could you please answer the  
7 question? I don't understand your answer. I am sorry.

8 Q. In other words, you know what these  
9 symptoms mean but you know it after having learned  
10 about it yourself?

11 A. Insofar as pilotage is concerned,  
12 when the accident occurred I didn't know, or at any  
13 rate I didn't know what could cause such symptoms.

14 Q. But you know it now?

15 A. Yes, I know because I asked about  
16 it myself personally.

17 THE CHAIRMAN: It seems that we don't  
18 understand one another very well. What Mr. Brisset  
19 asks is at the time of the accident and at the time  
20 of the inquiries did you know what those symptoms  
21 meant?

22 THE WITNESS: At that time I didn't know.

23 THE CHAIRMAN: But you have learned about  
24 it later on? You made personal inquiries in order  
25 to find out about it?

26 THE WITNESS: Yes.

27 THE CHAIRMAN: At what time, as related  
28 to the accident did you make this personal investigation,  
29 or this personal request for information concerning  
30 these symptoms? Was it a long time after the accident





1 French

2 or just upon disembarking from the ship?

3 THE WITNESS: Well let us say a few weeks  
4 after the accident.

5 Q. So what information did you obtain?

6 A. I still think this is personal  
7 information.

8 Q. Don't you think these symptoms  
9 indicate that a man has been taking some drugs by  
10 intravenous injections?

11 A. That is quite possible, that narcotics  
12 may produce such symptoms, apparently.

13 Q. If you had undertaken this personal  
14 investigation immediately after the first accident,  
15 and you had obtained this information, I suppose that  
16 you would have been aware of those symptoms. Did  
17 it never strike you about it at that time?

18 A. I had no reason to believe that  
19 after the first accident that the mentioned pilot was  
20 under the influence of whatever product --

21 Q. Despite his personal history, and  
22 so forth, his behavior and conduct were concerned?

23 A. Yes, despite all that.

24  
25 CROSS-EXAMINATION BY MR. JACQUES:

26  
27 I would have two questions to ask my lord.

28 THE CHAIRMAN: I think that the witness  
29 will have to come back tomorrow because we are not  
30 through and the other counsel have other questions to







1 French

2 ask and you have some information also to receive.

3 Would you like this information to be checked insofar  
4 as the hours of the departures are concerned and the  
5 hours of the accident and so forth?

6 MR. JACQUES: These two questions go so  
7 well with what has just been said my lord.

8 Q. I would like to show you the official  
9 record about this particular pilot. There are two  
10 medical certificates in that record, aside from the  
11 one that has been obtained from the medical officers  
12 from the Government. You have one before you which  
13 stems from what hospital?

14 A. Sanitorium Mastay.

15 Q. It is signed by a doctor?

16 A. Yes.

17 Q. Do you know in what field this doctor  
18 specializes?

19 A. Yes.

20 Q. And in what field?

21 A. Nervous diseases.

22 Q. Previously in your record I think that  
23 you have found another medical certificate. By what  
24 physician is that signed?

25 A. By the same doctor who signed the  
26 certificate stemming from the Sanitorium Mastay.

27 Q. And what is the date of the first?

28 A. October 13th 1961 and the second one  
29 on August 20th 1962.

30 Q. Thank you.





1 French

2 THE CHAIRMAN: We are going to adjourn  
3 until 10:00 tomorrow morning. Now I am told there  
4 is a technical administrative difficulty and that we  
5 will have to change our plans to hold hearings here  
6 next week. Consequently, we will have a definite  
7 answer about that tomorrow morning. I will try to  
8 help out everyone by making -- I wanted to make an  
9 immediate ruling but the Secretary tells me that there  
10 might be great difficulty which would curtail our  
11 hearings here next week. At any rate, we are going  
12 to have a definite answer by tomorrow morning.

13  
14 ---WHEREUPON THE HEARING ADJOURNED UNTIL TEN O'CLOCK

15 A.M., THURSDAY, THE 12th DAY  
16 OF SEPTEMBER, 1963.

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# ROYAL COMMISSION

ON

## PILOTAGE

### HEARINGS

HELD AT

QUEBEC CITY  
QUEBEC

VOLUME No.:

62A

DATE:

Sept.12, 1963

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing  
held at the Court House,  
Quebec City, Quebec, on the  
12th day of September, 1963

COMMISSION

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset	for the Shipping Federation of Canada
Mr. C. Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Cor- poration of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.

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E R R A T U M

THROUGHOUT, for DESSAULT read DUSSAULT

\* \* \* \*







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Quebec City, Quebec  
Thursday,  
September 12th, 1963

7383

1 French

2 ---ON COMMENCING AT 10:00 A.M.

3  
4 THE CHAIRMAN: I have been informed that  
5 reservations have been made for next week, and all  
6 difficulties have been solved so next week we will  
7 sit in Quebec and we will be in Montreal on the 30th  
8 of September. It will be Monday at ten o'clock in  
9 Quebec.

10  
11 CAPTAIN HENRI ALLARD, Recalled

12  
13 CROSS-EXAMINATION BY MR. BRISSET:

14  
15 Q. Captain Allard there was certain  
16 information that you were to obtain, particularly the  
17 hour the pilot went on board the ship, boarding the  
18 OAK HILL on August 25th, and the hour of the accident.  
19 Do you have these details with you this morning?

20 A. Yes. The pilot went on board the  
21 OAK HILL at 22 hours and 25 minutes on August 25th  
22 1962 and the accident occurred at 23 hours and 10  
23 minutes on August 25th 1962.

24 Q. Now in the case of the CONTINENTAL  
25 PIONEER do you have the same information?

26 A. Yes. The pilot went on board at  
27 21 hours 15 minutes on September 5th 1962 and the  
28 accident occurred at 21 hours 30 minutes on September  
29 5th 1962.

30 Q. Now the last bit of information I







1 French

2 had asked for was to obtain the date on which the  
3 pilot, who was in the accident of the OAK HILL, had  
4 been put back on turn after the accident?

5 A. The pilot was put back on the  
6 assignment list on August 29th 1962.

7 Q. And what was his number?

8 A. Well he was the seventh on the  
9 assignment list on the 29th, in the morning.

10 Q. Now you told us that in the case of  
11 the OAK HILL you had gone on board in the evening or  
12 the night of the accident. Did your superior officers  
13 also undertake an investigation either by going on  
14 board the ship or here in Quebec in the weeks that  
15 followed that accident?

16 A. Yes, but I don't have the exact  
17 date, but in the week that followed the accident to the  
18 OAK HILL, I undertook the first investigation myself  
19 which is called the fact-finding investigation and  
20 there was a preliminary investigation here in Quebec  
21 while the ship was still in Quebec. There was an  
22 investigation then with a Commissioner.

23 Q. Who is an officer from the Department  
24 of Transport?

25 A. Yes.

26 Q. Now did the Department inform you  
27 about the results of this investigation concerning the  
28 behavior of the pilot at the time of the accident and  
29 after the accident?

30 A. Yes. In the files we have letters to





1 French

2 that effect. What you like me to read it?

3 Q. What I wanted to know in particular  
4 was to find out if you were told about this behavior  
5 before the pilot was put back on the assignment list?

6 A. No, not before the pilot was put  
7 back on the assignment list.

8 Q. Now did the Department at Ottawa  
9 have on hand all the information contained in the files  
10 of this given pilot before his first accident on  
11 August 25th 1962, to your own knowledge?

12 A. Well to my own knowledge the Pilotage  
13 Authority, the Central Pilotage Authority must have  
14 had the main points, according to the given pilot.

15 Q. Did you ever receive from the Central  
16 Authority certain instructions concerning that pilot  
17 and perhaps instructions concerning certain precautions  
18 to be taken about him before the accident of August  
19 25th 1962?

20 A. Well there is nothing in his files  
21 showing that such information or instructions had been  
22 given to us.

23 Q. In other words you had not received  
24 any special instructions?

25 A. That is it.

26 Q. Now Captain I would like to go on  
27 to another incident which has been described here by  
28 Mr. Maheux, and it is the one that has to do with the  
29 pilot who was piloting the ARROW. Were you in court  
30 when the letter addressed by the Ship Master of the







French

ARROW, sent to the Pilotage Office, was read by Mr. Maheux?

A. Yes, I was in court.

Q. So I suppose that you have received that letter?

A. Yes.

Q. As Supervisor of the Quebec Office?

A. Yes, I did.

Q. When were you notified for the first time about what occurred on board the ARROW? Is it when you received that letter or when the pilot reached Quebec here with his ship?

A. Upon reception of that letter.

Q. Now what steps did you take at that time concerning the letter you had received from the ship's Master?

A. Well in the first place the pilot was called to our local office and he was informed about the letter we had received and also concerning the accusation against him, and we asked him to sort of justify himself and if I remember correctly, his name was removed from the assignment list so as to allow him to make the necessary arrangements in order to be able to establish his guilt or innocence.

Q. Did you make an investigation?

A. Yes. We went to Les Escoumains to undertake an investigation.

Q. When?

A. In the course of the same week that





1 French

2 we have received that letter, so far as I can remember.

3 Q. And for how long was this pilot's  
4 licence suspended while you were doing your investigation?  
5 That is, from what date to what date?

6 A. Insofar as I can remember his  
7 licence was never suspended. The local Authority is  
8 not empowered to suspend the licence of a pilot.

9 Q. I realize that I did not express  
10 myself correctly. For how long was he off the assign-  
11 ment list and please look at the file if you are not  
12 quite sure about the information you are going to  
13 give me.

14 MR. LANGLOIS: My lord, I think that  
15 perhaps I can help out here, without having to give  
16 evidence myself, but by telling Captain Allard that  
17 this pilot was hospitalized as soon as he reached  
18 Quebec.

19 THE CHAIRMAN: I think so. Could you  
20 please check it up in your files in order to find out  
21 if it was a true fact?

22 THE WITNESS: I would have to consult  
23 another file in order to find out how long his name  
24 was removed from the assignment list and for what  
25 reason.

26 THE CHAIRMAN: So from your memory you do  
27 not recall right off if he entered the hospital  
28 immediately after the accident or if he took another  
29 turn?

30 THE WITNESS: Well from memory, I don't





1 French

2 think that his name was on the assignment immediately.  
3 He was hospitalized and he was under the care of a  
4 physician.

5 THE CHAIRMAN: At any rate, Mr. Brisset,  
6 if you want to have any additional information about  
7 that fact, well the witness may obtain it.

8 Q. Could you please check the date on  
9 which that pilot was put back on the assignment list  
10 and then give us the information?

11 A. Yes, I will.

12 Q. Now you told us that in that case  
13 you made an investigation yourself at Les Escoumains?

14 A. Yes.

15 Q. Now for the purpose of that invest-  
16 igation who did you see, or contact or interrogate?

17 A. Well for the purpose of that  
18 investigation in Les Escoumains, we asked questions  
19 of the clerk who was in charge of the office when the  
20 pilot went on board the ARROW, and also the man who  
21 was on board the ship's boat, who was on duty when  
22 the pilot went on board the ship. That was at Les  
23 Escoumains, and also here in Quebec the man who was  
24 in charge of the ship's boat who took care of the  
25 disembarkation of the pilot here in Quebec upon his  
26 arrival.

27 Q. Now without going into details, could  
28 you please tell me if following that investigation  
29 you entertained any suspicions or good reason to  
30 believe that this pilot was truly intoxicated?







1 French

2 A. According to the affidavits that  
3 we have collected, well the pilot was in a normal  
4 state when he went on board the ship and when he got  
5 off the ship, off the ARROW.

6 Q. In other words, you have no reasonable  
7 reason to suspect intoxication according to that  
8 investigation?

9 A. No.

10 Q. Now according to the history of  
11 that pilot, as indicated by your files, would there  
12 have been any reason to suspect such a condition?

13 A. Insofar as I can remember, the  
14 pilot's file does not show anything that may lead us  
15 to suspect any bent towards alcohol.

16 Q. Insofar as the clerk at Les Escou-  
17 mains, are there any special instructions given by  
18 you, or were there any special instructions given by  
19 you at that time in order to find out what was to be  
20 done in order to check the physical condition of a  
21 pilot before he went on board a ship?

22 A. Naturally the clerks had instructions  
23 to that effect at that time. Now you will understand  
24 the trouble that might exist in determining the  
25 physical condition of a person.

26 Q. Now in this particular case do you  
27 know if the pilot had gone to the office or had seen  
28 the clerk at the office before going on board the  
29 ship?

30 A. Well here we have no affidavits coming





1 French

2 from the clerk of the office when that pilot went on  
3 board the ARROW, which leads us to believe that the  
4 pilot had not called at the office before going on  
5 board the ship, and this is quite normal at Les Escou-  
6 mains.

7 Q. In other words, there is no general  
8 policy established according to which the pilot,  
9 before going on board the ship at Les Escoumains,  
10 is to call at the clerk's office? So he can go on  
11 board the ship without having to stop at the office?

12 THE CHAIRMAN: I understand also that  
13 at Les Escoumains this is a temporary situation at the  
14 present time and the office is quite far from the  
15 pilots' quarters, and quite far from the embarkation  
16 point. This is supposed to be changed in a little  
17 while when the new pilots' building will be built  
18 on the embarkation wharf.

19 Q. Thank you my lord. In order to  
20 change our subject matter, now during your two years,  
21 or almost two years ---

22 THE CHAIRMAN: I am sorry, while you are  
23 dwelling on that matter there is something else still.  
24 Is there any possible means to check this question?  
25 When the pilots at Les Escoumains are forced to board  
26 the launch, in order to reach the ship, employees  
27 of the Department of Transport are on board these  
28 launches?

29 THE WITNESS: Yes.

30 THE CHAIRMAN: Is there any system in







1 French

2 existence in order to keep a pilot from boarding a  
3 launch, and boarding the ship later on if he is  
4 not fit?

5 THE WITNESS: Well they can stop a pilot  
6 from boarding a ship, if they believe, or they  
7 have any reason to believe that the said pilot is  
8 not physically able to go on board a ship.

9 Q. During your tenure of office, that  
10 is from September 24th 1961 until May 4th 1963 here,  
11 what was your experience concerning the docking of  
12 ships in the Quebec Harbour by the river pilot, in  
13 the case of ships going downstream from Three Rivers  
14 to Quebec. Were there any cases, to your knowledge,  
15 where the river pilot refused to dock or to moor  
16 his ship in Quebec?

17 A. Yes. This is a situation that existed  
18 while I was in the pilots' office

19 Q. Is it true to say there were certain  
20 pilots who were looking after the mooring and others  
21 who refused to do so?

22 A. Well of course everything was  
23 dependent upon the site, and the conditions of tides,  
24 or the tidal conditions at the time of arrival.  
25 Pilots of the Three Rivers-Quebec section did not  
26 dock in St. Charles River with the rising tide.

27 Q. Was that a general rule in all  
28 cases, or were there cases where the river pilot,  
29 despite the rising tide, would sort of moor his ship  
30 in the St. Charles River?





1 French

2 A. I don't think there were many cases  
3 where a pilot from the Three Rivers-Quebec section  
4 docked his ship with the rising tide in the St. Charles  
5 River.

6 THE CHAIRMAN: Does the same thing apply  
7 to sheds 25 and 26?

8 THE WITNESS: Yes.

9 Q. At any rate captain, in the case  
10 where the river pilot did not bring the ship to its  
11 docking station, for any reason whatsoever, did you  
12 ever deem it necessary to undertake an investigation  
13 in order to find out what were the reasons for such  
14 an action?

15 A. Yes, naturally this was discussed  
16 with members of the Corporation Committee of the  
17 Central St. Lawrence Corporation.

18 Q. Could you please give me an idea  
19 of these discussions that were held with the Corporation  
20 Committee?

21 A. Now insofar as I can remember, the  
22 objection of the pilots from the Three Rivers-Quebec  
23 section to dock in the St. Charles River on rising  
24 tide was the following: They found it too dangerous  
25 and they did not want to risk that. As our general  
26 principle was to the effect that each and every pilot  
27 had the right to his own opinion, and judgment,  
28 regarding dockings, well the pilot was free to wait  
29 for a tide which would be more favourable to dock  
30 his ship, wherever it was.





1 French

2 Q. Now in the case of ships going  
3 upstream, that is from Les Escoumains to Quebec, is  
4 it not true that the pilots were docking their ships  
5 in the St. Charles River, or at sheds 25 and 26  
6 whatever the condition of the tide?

7 A. Well I wouldn't say that, no.

8 Q. In all cases would they refuse to  
9 dock their ships in the St. Charles River and at sheds  
10 25 and 26 because of the rising tide?

11 A. No. Certain pilots were ready to  
12 dock their ship anywhere and at any time.  
13  
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RPS 1 French

2 Q. Did you have to make a report to  
3 the Cental Authority concerning this problem and  
4 inform them about your discussions with the Corporation?

5 A. I don't think so. I don't think  
6 any report was ever sent to the Central Authority,  
7 but it was discussed with superior authorities.

8 Q. Now, ever since you have been at  
9 the Quebec Harbour, officially, did this matter come  
10 up again? I think you are assistant to the Harbour  
11 Master?

12 A. Yes.

13 Q. Was this matter raised with the  
14 authorities in the Harbour for discussion?

15 A. Well, this was discussed with the  
16 agents.

17 Q. Could you tell us what type of  
18 discussions were held?

19 A. Here at the Harbour we know that  
20 if a given ship has to dock in the St. Charles River,  
21 if she reaches Quebec in a given tidal conditions,  
22 well, normally this ship will not dock immediately,  
23 she will wait for a tide that will be more favourable.

24 THE CHAIRMAN: Whatever pilot is on board.

25 THE WITNESS: Yes. Now, knowing this  
26 procedure we will act in accordance and we will notify  
27 the marine agents accordingly.

28 Q. From the viewpoint of administration  
29 and the development of the Quebec Harbour, this  
30 question of delays caused by ships which are not docked





1 French

2 at a given moment of the tide, is that a question which  
3 is considered as being important?

4 A. No, we are studying the different  
5 characteristics in the Quebec Harbour and we live  
6 with our problems and our difficulties.

7 Q. Do you think it would be possible to  
8 settle that problem in a more advantageous way than by  
9 delaying the ship?

10 A. From the view of the National Harbours  
11 Board naturally we prefer a ship to be delayed for  
12 a few hours instead of having our wharves sort of  
13 eroded.

14  
15 CROSS-EXAMINATION BY MR. LANGLOIS:

16  
17 Q. Captain Allard, in answer to a  
18 question of Mr. Brisset concerning the dockings or  
19 moorings at St. Charles River you used the word tides.  
20 What do you mean exactly by tides? Do you mean the  
21 hours at which the tide is rising or are you talking  
22 about the currents?

23 A. Well, I am talking about the  
24 vertical fluctuations of waters either in a rising  
25 tide or ebbing tide.

26 Q. You must admit there is a difference  
27 between the two terms.

28 A. Yes.

29 Q. Currents don't change the same as  
30 tides?







1 French

2 A. No, not necessarily so.

3 Q. When you stated that there were  
4 certain pilots who were ready to do some piloting  
5 in a that section of the Harbour at any time, couldn't  
6 that answer be clarified by taking into account all  
7 the swiftness of the current which may vary, if you  
8 have a big tide, medium tide, or small tide.

9 A. Naturally, and also depending upon  
10 the type of ship to be docked.

11 Q. Consequently a pilot will pilot  
12 a ship in the St. Charles River in a rising tide when  
13 it is a small tide of 14 feet and another pilot may  
14 refuse to on a rising tide when the tide is 19 feet  
15 because the current is rising greatly.

16 THE CHAIRMAN: Especially with a northwest  
17 wind.

18 THE WITNESS: That is true.

19 Q. Now, don't have also have the factor  
20 of the ship?

21 A. Naturally that is a very important  
22 element.

23 Q. For example there are different  
24 types of machines. If you have an electric engine  
25 or a turbine engine or a diesel engine.

26 A. Yes. That is not a factor for a  
27 pilot going upstream from Escoumains with a swift current,  
28 and he went upstream within a period of six hours  
29 and he could arrive in Quebec and go immediately into  
30 the St. Charles River even on rising tide because he





1 French

2 feels -- if he still feels refreshed and not tired,  
3 while another one staying on the river for 12 hours  
4 doesn't feel too ready to undertake the same type  
5 of work.

6 Q. Don't you also have the element  
7 of easiness of manoeuvring the ship? One ship may  
8 be steered easily while another is not too easy?

9 A. Yes.

10 Q. Now, Captain Allard, the document  
11 which has not been filed, but yesterday you have  
12 given evidence on a document that has been given by  
13 the counsel of the Commission giving statistics of  
14 dockings in the Quebec Harbour in the year 1962 and  
15 I see that this document is entitled "number of foreign  
16 vessels docking at Quebec Harbour in 1962." If I  
17 remember correctly the statistics have been requested  
18 for all ships, and not only for foreign-going ships  
19 or ocean going vessels. Would it not be possible  
20 to obtain statistics for all types of ships docking  
21 in the Quebec Harbour in the course of the year?

22 A. Yes, it would be possible.

23 Q. Is this difficult to obtain or could  
24 you please give us this document?

25 A. Yes.

26 THE CHAIRMAN: This will be Exhibit 660. Exhi-1  
27 hit 659 is correspondence between the National Harbours  
28 Board and the pilots.  
29  
30





1 French

2 MR. LANGLOIS: My lord, my learned colleagues  
3 suggest as we are going to produce statistics under  
4 Exhibit 660 wouldn't it be possible to file at the  
5 same time these statistics in the report which has  
6 been made for the ocean going vessels which has been  
7 read so we could have a complete set of statistics.  
8 I would add, also, my lord, maybe the witness could  
9 tell us which were the ships carrying pilots and which  
10 were the ones without pilots.

11 THE WITNESS: I think it is impossible.

12  
13 ---EXHIBIT NO. 660: Statistics of all ships  
14 going into the Quebec  
15 Harbour in 1962.

16 Q. So the title will be the number  
17 of ships docking into Quebec Harbour in 1962, or rather  
18 going into Quebec Harbour for 1962. Thank you.

19  
20 CROSS-EXAMINATION BY MR. LALONDE:

21  
22 Q. Captain Allard, I was very interested  
23 by your remarks to the effect that you thought it was  
24 important to let a pilot decide on each particular  
25 case. Is it the general policy in the Pilotage field?  
26 Could that be a general principle?

27 A. Yes, I think so. That was the policy,  
28 that was the policy of the original Authority.

29 Q. Do you think that for the point of  
30 view of administration of Pilotage, do you think it







1 French

2 is important to let a pilot judge a particular situation  
3 in which he is at a particular time?

4 A. I think so, yes, because a pilot  
5 is advising, so I think it is very important that his  
6 judgment be respected.

7 Q. Do you believe that it would be  
8 good or bad if the Pilotage Service, that is either  
9 in Pilotage Authority of representatives or shipowners  
10 or stevedores or any other association would start giving  
11 guidance to the pilot on how to direct his ship when  
12 he is on board?

13 A. I think that the captain remains  
14 the only master on board. There should not be any  
15 outside influence.

16 THE CHAIRMAN: That could happen at the  
17 time when there is a special pilot.

18 MR. LALONDE: To your knowledge, do you  
19 know of any case where the captain or the pilot, if  
20 from the shore someone has tried to influence the  
21 pilot or captain about decisions to be taken, during  
22 the period during which you were Superintendent?

23 A. Yes, I think so.

24 Q. Have you been advised of such  
25 specific incidents?

26 A. Well, I think so, that some pressures  
27 have been made. I could feel these pressures from  
28 discussions with the agents.

29 Q. I am not asking you to give names,  
30 but what was the form of the pressures that you felt





1 French

2 during the discussions? What led you to believe this?

3 A. Well, this is a specific case: last  
4 spring in April there was a ship waiting to enter the  
5 shipyards here, and there was another ship which was  
6 supposed to leave in the morning, and the agent said  
7 that the outgoing ship at that time should leave to  
8 permit the other ship to go into the shipyard on the  
9 tide. After discussion and consultation with the  
10 pilots of the class of the ship, a super tanker, I  
11 saw that no pilot was ready to enter the ship at that  
12 time, so we said to the agent we will send a pilot  
13 on board and he will advise the Master accordingly,  
14 and the Master on the ship, the ship's Captain will  
15 decide.

16 Q. Is this the only specific incident  
17 that you recall about pressures?

18 A. No. That doesn't come to my mind  
19 right now.

20 Q. With regards to the general policy  
21 that you explained about the pilot's responsibility  
22 and the advice that he gave to the captain when he is  
23 on board, do you know of such policy -- is it not  
24 possible that two pilots confronted with two identical  
25 situations could give advice which in good faith could  
26 be different? That is to say one pilot on board  
27 a ship could say I recommend to go in and the other  
28 one will say I recommend that you wait.

29 A. Yes, certainly, and this has happened  
30 very often.







1 French

2 THE CHAIRMAN: Could you say that it happens  
3 only in extreme cases?

4 THE WITNESS: In normal cases -- well,  
5 if we take the entrance of a ship into the St. Charles  
6 River it is not an extreme case. The situations comes  
7 about very often were pilots will have a different  
8 point of view on the matter.

9 THE CHAIRMAN: Are the pilots not supposed  
10 to be experts to be able to dock ships in difficult  
11 situations?

12 A. Yes, very well, but as they are  
13 advisers, if they think there may be a danger the  
14 freedom is left to the captain.

15 THE CHAIRMAN: But there is always danger  
16 because they call in the experts, so it may be that  
17 the adviser is more or less expert.

18 THE WITNESS: Yes, it could be so.

19 Q. But, Captain, it could come from  
20 the fact that the adviser is more or less prudent, cautious?

21 A. Yes.

22 THE CHAIRMAN: This is why you have in  
23 the Quebec District different types of pilots according  
24 to their experience.

25 Q. Now, I took a hypothetical case,  
26 but in practice, let us take the entrance into the St.  
27 Charles River. Are you talking about identical cases  
28 or is it not that each case is different because the  
29 size of the ship is different, the time of the day  
30 is different, the swiftness of the current and the





1 French

2 facility of steering the ship is different, et cetera?

3 A. I think each case is a special case.

4 Q. So identical cases -- cases are  
5 never identical?

6 A. I will not say they are never identical,  
7 but each case has its own particulars.

8 THE CHAIRMAN: Could there be pilots and  
9 in certain circumstances such as a rising tide will  
10 always refuse whatever the weather conditions are,  
11 whatever the kind of tide, big tide or small tide,  
12 some of them would always refuse to go into the  
13 St. Charles River?

14 THE WITNESS: Yes.

15 MR. LALONDE: (THE INTERPRETER: The  
16 question was not heard.)

17 A. (No interpreted answer.)

18 Q. To your knowledge or because you  
19 heard of it, is it not true if a large case is submitted  
20 to a lawyer that you have qualified counsel who would  
21 tell you to fight the suit in a certain case and if  
22 you go to see another counsel he will give you another  
23 advice?

24 THE CHAIRMAN: But never did this happen  
25 to you?

26 MR. BRISSET: (THE INTERPRETER: Mr.  
27 Brisset is speaking without a microphone and cannot  
28 be interpreted.)

29 THE CHAIRMAN: Maybe some of the counsel  
30 would advise according to the law of averages?





1 French

2 MR. LALONDE: I will admit, my lord, there  
3 are only competent lawyers in this Commission, but they  
4 have very different points of view on the matters  
5 brought forward before the Commission.

6 THE CHAIRMAN: I raise the point because  
7 it is a very important point for us.

8  
9 CROSS-EXAMINATION BY MR. LANGLOIS:

10  
11 Q. Captain Allard, without giving names,  
12 not even ships' names, lately wasn't there an accident,  
13 an important accident at the entrance of the Louise  
14 Basin when a coastal vessel without a pilot tried to  
15 enter the Basin in the falling tide when the tide was  
16 17-1/2 feet?

17 A. It was a serious accident, yes.

18  
19 MR. JACQUES: My colleague has objected  
20 when I was talking about cases, so I going to make  
21 the same objection. The Commission asked you if there  
22 were any pilots refusing to dock ships in the St.  
23 Charles River Basin with rising tide, whatever the  
24 conditions in the St. Charles River, whatever be the  
25 weather conditions or the ship's conditions. You  
26 said that some pilots automatically refused to dock.  
27 Now, are there pilots who, whatever the ship's  
28 conditions or the weather conditions never refuse  
29 to dock in the St. Charles River Basin?

30 A. Yes. Some pilots are ready to go







1 French

2 into the St. Charles River whatever the time, and  
3 possibly in all circumstances. They will take the  
4 risk.

5 MR. JACQUES: In the case of the OAK  
6 HILL and the CONTINENTAL PIONEER before the accident  
7 of the 25th of August you had in your files three  
8 medical certificates. Two of these were from a  
9 physician dealing with nervous disorders. What is  
10 the name given to such a physician? Is it psychiatrist  
11 or neurologist?

12  
13 --- (SEVERAL UNINTERPRETED REMARKS. FROM COUNSEL.)

14  
15 THE CHAIRMAN: Specialized clinics.  
16 MR. JACQUES: They also deal with alcoholic cases.

17 THE WITNESS: Yes.  
18 RE-DIRECT EXAMINATION BY MR. JACQUES:

19 MR. JACQUES: When you had these  
20 documents in your files and when you had the medical  
21 certificate that you received from the Government  
22 physicians did you advise the Central Authority about  
23 the mental and physical fitness of the pilot?

24 A. Well, the higher authorities knew  
25 that we had a medical certificate for the pilot.

26 Q. Did you Central Authority know about  
27 the two other certificates?

28 A. Yes, but not in writing.

29 Q. Did they know of the possible nature  
30 of the illness, disease of difficulty or disability  
of the pilot?





1 French

2 A. Yes, they knew of the difficulty of  
3 the pilot.

4 Q. Always with reference to such a pilot,  
5 were there any pressures made so that his name was  
6 put back on the list?

7 A. When?

8 Q. After the first accident.

9 A. No, there was no pressure made.

10 Q. Before the first accident?

11 THE CHAIRMAN: What do you mean by pressures,  
12 counsel who is coming in?

13 MR. JACQUES: No. Before the first accident,  
14 I believe that the pilot was removed from the list  
15 very often.

16 A. On a number of occasions, yes.

17 Q. In these instances were there any  
18 third parties, did any third party made any intervention  
19 so that his name was put back on the list?

20 A. No.

21 Q. In the case of the ARROW, did you  
22 know that the pilot, according to the letter which  
23 is on file was under the care of a physician for a  
24 number of years?

25 A. No, I had knowledge of this before  
26 the complaint which was made. Can you tell us from

27 Q. Can you tell us from  
28 memory if that pilot was very often reporting sick  
29 or asking for leave?

30 A. No, from memory, I wouldn't say that  
he was frequently on leave.







1 French

2 Q. From memory did he get along with his  
3 colleagues?

4 A. Well, you have to remember that I  
5 was only for 12 months on duty, and when this happened  
6 I was dealing by hearsay. All the pilots were on the  
7 same basis as far as I was concerned. I started --  
8 I knew nothing that wasn't on file for a pilot. It  
9 was of no concern to me. If no new events would make  
10 me doubt, unless I had my own doubts it was difficult.

11 Q. So you didn't have the opportunity  
12 to know the pilot?

13 A. No, the pilot of the ARROW -- I  
14 had noticed nothing about his behavior before the  
15 accident.

16 THE CHAIRMAN: You just said that you  
17 didn't go by hearsay and that the things which were  
18 on file before . . .

19 THE WITNESS: I said the contrary.  
20 I was only taking into account the things which were  
21 on file.

22 MR. JACQUES: Did you ask the clerks  
23 or the launch men to verify, check the physical condit-  
24 ion of the pilot? Do you think this is an efficient  
25 system?

26 A. I think it is the only system that  
27 we could use.

28 Q. Do you think such a system is efficient?  
29 Do you believe that such clerks and boatmen were  
30 exercising sufficient care?





1 French

2 A. I think they were doing their duty,  
3 yes.

4 Q. Did they talk to you about this  
5 problem of checking the fitness of the pilot?

6 A. Yes. I had discussions with them  
7 and some of them pretended that they would never dare  
8 to report anything against a pilot.  
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PS 1 French

2 Q. Did they say why?

3 A. Well they say they fear certain  
4 consequences.

5 Q. Which kind?

6 A. Maybe fear for their jobs.

7 Q. So they fear to lose their jobs?

8 A. Yes.

9 Q. Thank you.

10 THE CHAIRMAN: Any questions of Captain  
11 Allard? Well sir, quite a bit of information has been  
12 asked from you, and I beg you to bring it to the court.

13 MR. JACQUES: I have no other witnesses  
14 to bring, except the Port Warden. I think his evidence  
15 will be very short.

16 THE CHAIRMAN: So we are going to adjourn  
17 for a few minutes, if you want.

18  
19 MR. LALONDE: I am ready, if you want. My lord, I would  
20 like now to show the evidence in the name of the  
21 Corporation of the Lower St. Lawrence Pilots. I will  
22 bring Mr. Dussault, who will give a technical  
23 description of the District, and of the difficulties  
24 of the District. Mr. Gaston Rousseau, who will give  
25 evidence as President of the Corporation of the Lower  
26 St. Lawrence. President of the Association of Licensed  
27 Pilots. I will bring also Mr. Wilfred Menard,  
28 President-Treasurer of the Corporation and of the  
29 Association, Mr. Villandre Lafleur, who will give  
30 evidence of all matters related to the apprenticeship







1 French  
2 of pilots.

3 I will also bring a member of the auditors  
4 of the Association and Corporation, and I will also  
5 bring Mr. Paul Henri Guilmond, counsel of the Corporation  
6 in all matters in connection with the pension fund.  
7 I will also bring an apprentice who will bring evidence  
8 as regards the working conditions of the apprentices  
9 in this District.

10 Before introducing these witnesses, I would  
11 like to bring a witness who will talk of the radio-  
12 telecommunication service . You remember when we  
13 starting our sittings in Quebec a number of witnesses  
14 gave evidence about the telecommunication service,  
15 on the quality of the service and the difficulties  
16 of the service. I would like to call on  
17 Mr. J. Emile Cloutier.

18  
19 J. EMILE CLOUTIER, Sworn

20  
21 DIRECT EXAMINATION BY MR. LALONDE:

22  
23 Q. You may sit down Mr. Cloutier. Will  
24 you please state your full name and your age?

25 A. Joseph Emile Cloutier. I am  
26 69 years old.

27 Q. You live in Quebec?

28 A. Yes.

29 Q. What is your profession at the present  
30 time?





1 French

2 A. My profession at the present time  
3 is I am director-owner of the School of Quebec Radio  
4 Telecommunications. <sup>Q.</sup> /Is that a school that you have  
5 founded yourself?

6 A. Yes.

7 Q. Since when?

8 A. Well this school has been in  
9 existence ever since I retired in January 1960, about  
10 three or four months after my retirement. I couldn't  
11 give you the exact date.

12 Q. Around March 1960 then?

13 A. Yes.

14 Q. How many students do you have at  
15 the present time?

16 A. Well I have sixteen of them.

17 Q. For what purpose do you train  
18 these students?

19 A. Well the aim of the school is to  
20 train radio-telephone, or radio-telegraph operators  
21 in order to employ them on board ships or at coastal  
22 stations or at aviation stations.

23 Q. Now what did you do before retiring  
24 in 1960?

25 A. I entered the service of the Marconi  
26 Company in April 1914 and then I retired on January  
27 18th 1960.

28 Q. What were you doing in the service  
29 of the Marconi Company?

30 A. Well I was an operator on a few ships,







1 French

2 and in particular at coastal stations. I was in charge  
3 of the Grindstone Station of the Ile of Magdalene for  
4 more than four years. I was in charge of the coastal  
5 station at Grosse Ile.

6 Q. Around what time?

7 A. Well it was 1927 until 1939, and  
8 in 1939 I was transferred as an assistant operator  
9 here in Quebec and then I was appointed in charge of  
10 the Quebec radio station.

11 Q. Am I to understand you were at the  
12 Quebec station from 1939 until 1960?

13 A. Yes.

14 Q. Consequently you have had 21 years  
15 experience at the Quebec telecommunication station?

16 A. Yes, and nine years as chief operator.

17 Q. At what time, insofar as you can  
18 remember, did the Marconi Company waive its rights to  
19 the Crown corporation in the field of communications?

20 A. Well in 1957.

21 Q. So you stayed on your job even after  
22 that change?

23 A. Yes. The Marconi Company rented  
24 my services to the Department of Transport. I was  
25 always paid by the Marconi Company and then by the  
26 Department of Transport.

27 Q. I would like you to testify as  
28 regards your experience at the Quebec station during the  
29 period of time you were working at that station,  
30 particularly during the last 10 years. Before retiring,





1 French

2 let us say, say 1958-'59, 1960, how many employees  
3 were on duty at the telecommunication station at  
4 Quebec?

5 A. Well during the last years we were  
6 only four and myself, so we were five operators  
7 altogether and before that we were only four.

8 Q. For these last years, what do you  
9 mean exactly? At what time were you five operators?

10 A. During the last two or three years.

11 Q. So you were five on duty in order  
12 to ensure a seven-day a week service and 24 hours a  
13 day service?

14 A. Yes.

15 Q. Practically speaking what does that  
16 mean insofar as available staff is concerned at the  
17 station during an ordinary day?

18 A. During every ordinary day, and  
19 even during every busy days, well my staff was quite  
20 insufficient.

21 Q. At that radio-communication and  
22 telecommunication station was there only one operator  
23 constantly on duty or were there any periods during  
24 which there was more than one on duty?

25 A. Well when I was in the office, and  
26 wasn't on duty, I was on call. I could help them  
27 out but I still had my other work to do and I had to  
28 do the maintenance of the apparatus and then make the  
29 reports, abstracts and accounts, and so forth. I had  
30 quite a lot to do.





1 French

2 Q. Am I to understand correctly, if  
3 I interpret your answer, it is the following: Aside  
4 from the moments while you were on duty yourself  
5 as chief operator, there was only one operator in  
6 the station?

7 A. Yes.

8 Q. And what were your hours of work?

9 A. Well I worked from eight in the  
10 morning until four, four thirty, five in the afternoon  
11 and then I was going to the office every time I had  
12 a phone call in the evening, sometimes at night.  
13 Some kind of device or apparatus was not working so  
14 I had to go and find out what was wrong.

15 Q. Consequently, your duties were taking  
16 you to the office five days a week?

17 A. Well it was a 40-hour work week,  
18 compulsory.

19 Q. When you were five operators was there  
20 any period during which there were, aside from you,  
21 two operators?

22 A. No.

23 Q. Never. And when you were yourself  
24 in the office, the duties you mentioned beforehand,  
25 did they take most of your time or were you available  
26 most of the time to work with the apparatus and  
27 devices, or with the radio operation or radio-communica-  
28 tion, or radio-telecommunication apparatus?

29 A. Well I was available 50 per cent  
30 of the time.







1 French

2 Q. So you were available 50 per cent  
3 of the time for the activities of the radio-telecommu-  
4 cation service?

5 A. Yes.

6 Q. What type of apparatus did you have  
7 to use during that period of time, especially during  
8 the last years?

9 A. You mean the apparatus in the office?

10 Q. Well the telephone ---

11 A. In the first place, I had a teletype  
12 circuit for the pilots giving weather, and also a  
13 circuit for paying messages for the C.N.R. and C.P.R.  
14 and also a circuit to answer the ships who were calling  
15 through and who had some messages, and also a circuit  
16 for the vessels who wished to get in touch with their  
17 company. Well this is what is called -- what was  
18 it called? Telecommunication, at any rate, by radio-  
19 telephone between a company and the ship's master for  
20 control, and aside from that we still had the radio-  
21 telegraph circuit so we had about five or six circuits  
22 and there was only one man on duty to look after them,  
23 so naturally this was far from being enough.

24 Q. Did you also have to use the phone  
25 frequently?

26 A. Well naturally we had a local phone.  
27 It was ringing from time to time.

28 Q. Were you using that telephone to  
29 transmit different messages frequently?

30 A. Well I was using it instead of the





1 French

2 teletype oftentimes for pilots' messages. I would  
3 receive a message that a boat was due to arrive.  
4 I was going to the teletype for the pilots' circuit  
5 and others were using it. I was not the only one.  
6 There were five or six stations using that circuit,  
7 so I couldn't wait. So naturally I would use the  
8 local phone and would call the signal station or the  
9 pilot station and give them the message.

10 Q. So until 1960 the telecommunication  
11 service, the radio-communication service and the  
12 marine communication service was separate from that  
13 of the agent?

14 A. Yes. It was at Lauzon at that  
15 time.

16 Q. Which is the same you had until the  
17 marine service?

18 A. Not aviation.

19 Q. Did you have a VHF service at that  
20 time?

21 A. Well to speak of. We had a kind  
22 of receptor, very infrequently giving the type of  
23 apparatus you have spoken about.

24 Q. Does this cover most of the apparatus  
25 that you had to use in your station?

26 A. Yes.

27 Q. Now were there any periods of time  
28 where you had too much to do and frankly it was beyond  
29 you at your station?

30 A. Naturally one man cannot look after







French

five circuits at the same time. Well we had to tell the person who was calling us on the radio-telephone couldn't they wait, especially during the weekend when there was the EMPRESS and boats or ships such as the SAXONIA who was coming here for many years. Then we were receiving messages and sometimes coded messages.

Q. And when a passenger ship was going upstream, how many messages did you receive to retransmit?

A. Well this varied greatly. If the ship was arriving at night, there were not too many messages, but during the daytime well, of course, there were far more messages.

Q. Could you receive up to 25 messages to retransmit?

A. Well to receive more than to transmit.

Q. What do you mean by that?

A. Because from the ship to shore there were more messages than from shore to ship.

Q. In other words, many messages were sent to you as a station and then you did not have to transmit them?

A. Well we had to transmit them on another circuit, or another network, teletype, either C.N.R. or the C.P.R. according to the direction.

Naturally, if it was going to Port Alfred I would not give it to the C.P.R. I would give it to the C.N.R. because the C.P.R. does not go to Port Alfred, and the same thing applies also;





1 French

2 sometimes the C.P.R. goes one direction and the C.N.R.  
3 doesn't.

4 Q. In other words, you were receiving  
5 more messages from ship to shore than from shore to  
6 ship?

7 THE CHAIRMAN: Well he was receiving  
8 more messages from ship to shore than he had to transmit  
9 from shore to ship.

10 Q. And those messages that you had  
11 to transmit --

12 A. We were forced, for example, to  
13 diminish.

14 Q. What do you mean by diminish?  
15 Diminish your receivers while you were doing something  
16 else?

17 A. Well we always kept the receiver  
18 at 500 kilocycles. This is the wave that has to be  
19 used by all ships in order to call all stations,  
20 or between ships in case of S.O.S. or in the case  
21 of casualty. Well, naturally, we had to weaken, let  
22 us say, the reception of the others, for example,  
23 to receive the signals of a ship if that ship was  
24 far.

25 Q. What time did you use to transmit  
26 the messages you received?

27 A. Everything depended upon the  
28 capacity of the operator. Certain of them were  
29 working fast. Others more slowly.

30 Q. For example, did it take up to half





1 French

2 an hour to transmit these messages?

3 A. Yes, when there were enough of them.

4 Q. And during that time were ships  
5 calling on wave lengths different from the one that  
6 you have mentioned, that is the one from 500 kilocycles?

7 A. The ship always must start by calling  
8 on the 500 kilocycle frequency so when they were calling  
9 and we were busy on the teletype, we had to go on with  
10 our work. Otherwise we would not have been able to  
11 control our work.

12 Q. Naturally you were going on with  
13 your work on the teletype?

14 A. Yes.

15 Q. So what happened?

16 A. So we had to tell them wait, we  
17 can't answer now.

18 Q. I suppose that during a busy day  
19 you could receive a good number of these messages from  
20 ships?

21 A. Well everything was depending upon  
22 the number of ships trying to communicate with the  
23 Quebec station. There were some upstream, others  
24 downstream. At times it is impossible to control  
25 when we don't know how many ships are going upstream  
26 and how many ships are going downstream.

27 Q. Now when you were through with the  
28 transmission work of the messages at that time, were  
29 you contacting the ships whom you had already asked  
30 to wait?







1 French

2 A. Yes. We had a pad and we were  
3 writing down the calling letters. As soon as we  
4 were free, we would call the first one who had called  
5 us and we would also take into consideration the  
6 ships that were closest to the dock; the ones that  
7 were the first to arrive. You get used to that as  
8 you get used to something else.

9 Q. Could an hour elapse from the moment  
10 at which a ship had called you for the first time and  
11 the time at which you were able to contact that ship  
12 when you were free?

13 A. Perhaps, but very seldom. Half an  
14 hour, yes.

15 Q. Half an hour?

16 A. Half an hour was more, because frankly  
17 an hour is quite a long time.

18 Q. When the teletype was being used,  
19 in order to send a report to a pilot, what were you  
20 doing?

21 A. I am sorry. I did not understand  
22 your question.

23 Q. When the teletype was busy, you said  
24 that the teletype was used by many stations.

25 A. I am sorry, but we have our own  
26 lingo. That is why ---

27 Q. And then you had an E.T.A. from a  
28 pilot, what were you doing then?

29 A. Well as I told you before, then  
30 I wouldn't take it and I would set it on the table, and





1 French

2 if it wasn't busy, well it took only a minute to send  
3 it by teletype. If it was busy, it wasn't my business  
4 to break others messages, and because we do that only  
5 in the case of emergency so I would leave it next to  
6 me and I would think about it again. I would take the  
7 local phone and send it by phone instead of using the  
8 teletype, in order to give a better service.

9 But there was a lack of staff. I made  
10 requests oftentimes to have additional members of  
11 personnel but my request was never granted.

12 Q. Did you ever have any difficulties  
13 with contacting certain ships going upstream or down-  
14 stream?

15 A. Yes. Oftentimes. You know the  
16 Lauzon station is not far from the shipyards and  
17 that situation causes us a great deal of trouble.  
18 There are some soldering men who work there, welders  
19 who work with instruments which are causing interference  
20 on our lines, and causing trouble oftentimes. I don't  
21 know who decided to place the station at that  
22 particular place, but this is a site which is not to  
23 be recommended.

24 Q. Now what were the main difficulties  
25 you had in contacting ship?

26 A. This is a very frequent occurrence.  
27 Sometimes it was more frequent.

28 Q. What do you mean by "sometimes"?

29 A. As I told you, the interference  
30 was coming from soldering work done at the shipyards.







1 French

2 But Mr. Mercier, the radio inspector from Quebec was  
3 coming himself at times and I obtained a great deal  
4 of co-operation from him and his employees would  
5 find the trouble, where the trouble was. Sometimes  
6 took us a lot of time, the electricians working  
7 together, and so forth, and finally we were able to  
8 solve the trouble.

9 Q. Were these difficulties frequent  
10 in the field of radio-telephone?

11 A. Yes.

12 Q. Were there certain areas on the river,  
13 especially where you had special difficulties contact-  
14 ing ships?

15 A. Well this is a very well-known fact  
16 that starting at Bancbrule, up to the entrance to  
17 the Saguenay, all ships couldn't contact Saxonia.  
18 Well we had a great deal of difficulty in that field  
19 of communication because the wave is reflected by the  
20 mountains and it doesn't come into our own direction.  
21 It always goes upwards or downwards. We always had  
22 great difficulty with that and our scope was 35 to  
23 40 miles.

24 Q. Where was the antennae for the  
25 radio-telephone when you were there?

26 A. That antenna was at Lauzon. Now  
27 the receiver antennae is placed at the airport. I  
28 did not go there in order to find out if there was  
29 any improvement, but I doubt it. To my mind I think  
30 the reception is even worse than it was because as





1 French

2 soon as you go far from the water the harder the  
3 receiving gets.

4 Q. Did you ever try and find out if  
5 there wouldn't be a good place in order to place the  
6 antennae of radio-telephone?

7 A. Yes. I studied that matter with  
8 Mr. Fisher who died recently.

9 Q. Who was Mr. Fisher?

10 A. Well he was the chief inspector for  
11 Eastern Canada.

12 Q. For the service of telecommunication?

13 A. For the service of telecommunication.

14 So we went on the Ile d'Orleans with Mr. Mercier and  
15 we noted that the site was ideal for receiving, and  
16 a good move from Lauzon and we believed it would be  
17 a good idea to be transferred on the Ile d'Orleans  
18 because I am sure if the receiver antennae were  
19 transferred to the Ile d'Orleans we would thus improve,  
20 according to my experience, the receiving up to  
21 40 to 50 per cent. It's wonderful on Ile d'Orleans..  
22 There is no high-power wires, no big industry over  
23 there. The whole field is free in the lower part of  
24 Orleans beyond Saint Jean everything is fine.

25 Q. And this would improve the receiving  
26 even between Bancbrule and the Saguenay?

27 A. Oh certainly, because it is quite  
28 near. It would be very near Bancbrule because one  
29 must not forget that your pilots all know about it.  
30 There is more than 200 miles between the Quebec station





1 French

2 and the next radio communication station which is  
3 at Mont Joli so you take a ship that can do 50 miles,  
4 as soon as it reaches 75 or a 100 miles, if it has  
5 an accident or something, then the only ones that  
6 can help him out are other ships. Concerning that  
7 matter, a few years before my retirement I had  
8 recommended a station at the tip of Riviere du Loup.

9 Q. When?

10 A. Two years before my retirement.

11 If we add a station at Riviere du Loup, we could  
12 receive easily enough the communications from ships  
13 in the Saguenay because you know in the Saguenay  
14 there are no coastal stations which may receive  
15 messages from a ship.

16 THE CHAIRMAN: When you are talking about  
17 the Saguenay, you mean the Saguenay River?

18 THE WITNESS: There are no stations over  
19 there, no land stations, unless there is some since  
20 my departure, but I don't think so.

21  
22  
23  
24 -

25  
26  
27  
28  
29 -  
30







/RPS

1 French

2 THE CHAIRMAN: When you are talking about  
3 Bancbrule, you mean Cap Brule?

4 THE WITNESS: Yes, it is Cap Brule.

5 MR. LALONDE: Thank you, Mr. Cloutier.

6 THE CHAIRMAN: Do you have many questions  
7 to ask the witness? We will perhaps have a short  
8 recess now.

9  
10 ---A SHORT RECESS.

11  
12 ---FOLLOWING THE SHORT RECESS:

13  
14 CROSS-EXAMINATION BY MR. LANGLOIS:

15 Q. Mr. Cloutier, I understand that  
16 you were first in the employment of the Marconi  
17 Corporation when that company was operating a coastal  
18 radio station and that you were still in the employ-  
19 ment of such a company when it was transferred to  
20 the Ministry of Transport?

21 A. Yes.

22 Q. During the time of the operation  
23 of the coastal station was there  
24 was there any change after these  
25 stations were taken over by the Transport Ministry  
26 or did you continue to operate on the same basis?

27 A. Yes, for a long time on the same  
28 basis.

29 Q. How long?

30 A. For the time I work.





1 French

2 Q. For example, did the watches change  
3 when it was under the Marconi or under the Department  
4 of Transport?

5 A. No, not to my knowledge.

6 Q. Were there any changes made?

7 A. No, not as far as I recall.

8 Q. How were the watches organized?

9 A. From eight to four, four to midnight  
10 and from midnight to eight.

11 Q. How many people on watch?

12 A. Only one operator. If I was there  
13 it was one more.

14 Q. So you had one operator on watch  
15 plus one supervisor?

16 A. When I was there.

17 Q. So, you said that you were there on  
18 a regular basis during the day?

19 A. Up to 40 hours a week.

20 Q. During the daytime you could give  
21 about 50 per cent of your time to help the operator  
22 on duty.

23 A. Yes, I think it is approximately 50  
24 per cent.

25 Q. Are there any periods of the year  
26 when there is a heavy traffic on the river, tourist  
27 traffic, at the time where the number of operators on  
28 watch is increased?

29 A. No, except when they were really  
30 hard pressed and they called me.







1 French

2 Q. Officially no?

3 A. Officially, no.

4 Q. Now, if I understand the Maritime  
5 stations were completely separated from the aviation?

6 A. Yes, in Lauzon it was completely  
7 separated.

8 Q. If I understand also you have a  
9 Navy station in Ancienne Laurette?

10 A. Not me. It was changed a few months  
11 after my departure.

12 Q. When the stations were managed  
13 by the Marconi Corporation did you make traffic  
14 tests, I mean by that did Marconi Corporation, were  
15 they making checks to see if the stations were giving  
16 full efficiency from the point of view of traffic?

17 A. Yes, once and a while they would  
18 come, but they could judge from the number of messages  
19 I was transmitting every seven days. Every seven  
20 days I had to send them a copy of all the messages  
21 coming from the stations, then we had a log book, and  
22 the log book is a typewriter we had in front of us  
23 and we recorded all the work which was done in the  
24 station, the time at which the message is received  
25 and so on.

26 Q. During the last five years you were  
27 on duty with the telecommunication service did your  
28 log show a constant rise in the traffic?

29 A. Well, as you said at certain peak  
30 periods there was the tour ships coming on top of the





1 French

2 marine ships which would produce peak loads. The peak  
3 loads came during the week when the passenger ships  
4 would be coming up and down, during the week.

5 Q. Outside of these peak periods in  
6 the summer did you notice a general increase from, let  
7 us say, the summer of 1959 compared with the summer  
8 of 1960 and so on?

9 A. Oh yes, certainly. There was an  
10 increase in the general traffic of messages.

11 Q. Now, during that period also the  
12 operator on duty -- did he have to transit also the  
13 Notices to Mariners? Did he have to make the trans-  
14 lations?

15 A. Yes, he had to translate the weather  
16 forecasts.

17 Q. The Notices to Mariners, notices  
18 of tide and Notices to Mariners?

19 A. Yes.

20 Q. And had to translate in both languages?

21 A. Yes.

22 Q. Now, were the weather reports  
23 translated by the operator on duty from English into  
24 French?

25 A. Yes.

26 Q. Now, the teletype circuit, when  
27 it operates it make a noise?

28 A. Yes, especially when we have two.

29 Q. When the operator is busy and he is  
30 using the teletype circuit with a noise, with the





1 French

2 background noise, he could miss signals sent by a ship?

3 A. Yes, easily.

4 THE CHAIRMAN: You mean on the 500-kilocycle  
5 frequency?

6 THE WITNESS: Yes, on the international  
7 frequency, 500. Yes, if the signal is low only, well  
8 then he will miss it.

9 THE CHAIRMAN: I presume that a ship when  
10 he has no answer to his signal keeps sending a signal?

11 THE WITNESS: Yes, he keeps signalling  
12 until he is received.

13 THE CHAIRMAN: So if a signal is missed  
14 he will be picked up?

15 THE WITNESS: There will be three successive  
16 calls in a period of 2 minutes.

17 Q. If a ship is going under and he sends  
18 his distress signal, in that three minute period the  
19 ship will be down at the bottom?

20 A. Well, we have a signal just like the  
21 S.O.S. signal. Our ears are trained for the Mayday  
22 signal. If the operator hears Mayday or a signal  
23 of that kind his is more aware of it.

24 Q. If the operator has all that noise  
25 of the teletype and if he hears a very faint Mayday  
26 we could miss it.

27 A. Yes.

28 Q. Now, can you explain if the operators  
29 who have to use the radio-telephone circuit can hear  
30 a signal directly and at the same time -- do they use







1 French

2 a loud speaker or acoustic?

3 A. When they have to communicate with  
4 the land station or if they want to talk to a passenger  
5 it is very difficult. Then we use an earphone because  
6 we have to keep a log of the duration of the call.  
7 We can't use loudspeakers because we have to keep  
8 track of how many minutes they have because we have --  
9 our accounts have to match the accounts of the  
10 Bell Telephone because this has to be paid for, so  
11 we have to wait until the call is finished. We don't  
12 listen to what they say, but we have to be aware  
13 of when they have finished a call and jot it down  
14 on the paper.

15 Q. Now, he uses an acoustic (THE INTER-  
16 PRETER: When I suppose is an earphone) -- he can  
17 miss the international frequency call.

18 A. We don't use these acoustics except  
19 when a ship requests communications through the Bell  
20 Telephone.

21 Q. When you do you can miss a phone  
22 signal?

23 A. Yes.

24 Q. Now, during your period of employment,  
25 especially in the late years when you were the chief  
26 operator in Quebec did you receive complaints from  
27 the shipowners telling you that they had difficulty  
28 in contacting your station?

29 A. Oh yes, Mr. Findlay from Canada  
30 Steamship and Mr. Baillie from Canada Import and others





1 French

2 were complaining -- they would say we sent a message  
3 at so much time, 20 minutes, and never received an  
4 answer. Especially they were complaining about not  
5 being aware of the time at which their ships could  
6 arrive in Quebec.

7 Q. Were their complaints transmitted  
8 by you to your superior?

9 A. No. It would only have caused an  
10 exchange of correspondence which would not have been  
11 useful.

12 Q. So you saved in not exchanging the  
13 letters?

14 A. Yes.

15 Q. Did your superiors tell you that  
16 they had received complaints?

17 A. No.

18 It may have been there but I wasn't  
19 being made aware of it.

20 MR. LANGLOIS: Thank you.

ish 22 CROSS-EXAMINATION BY MR. MASON:

23  
24 Q. You mentioned, Mr. Cloutier, that  
25 the coast station has now been moved up to the same  
26 building where the aeronautical station is; is that  
27 correct?

28 A. Yes.

29 Q. Has the coast aerial been moved up  
30 to the airport too?







1 English

2 A. I understand they are a receiving  
3 aerial.

4 Q. The receiving aerial has been moved  
5 up?

6 A. Yes.

7 Q. Do you have a transmitting aerial  
8 as well?

9 A. A transmitting aerial?

10 Q. Yes?

11 A. At Lauzon, exactly the same place,  
12 and they are operated by remote control.

13 Q. I see. You mentioned that you had  
14 been on a tour around the area with Mr. Fisher to  
15 look into the question of establishing a new location  
16 for this aerial?

17 A. Yes, to find out where would be the  
18 best spot for a receiving aerial and transmitting  
19 aerial. We had a car fitted from Montreal for that  
20 purpose and we went all over and we tried to place it  
21 and we decided on Lauzon.

22 Q. You say you were making tests,  
23 receiving transmissions from ships down river?

24 A. Not transmitting.

25 Q. You were just receiving?

26 A. Just receiving.

27 Q. These tests only involved ships  
28 down river from Quebec, not ships above Quebec?

29 A. Below.

30 Q. I understand that yourhf calling





1 English

2 frequency here is referred to as Range 1; is that  
3 correct?

4 A. vhf?

D2 5 Q. Your hf, your normal calling  
6 frequency, 2182.

7 A. 2182.

8 Q. That is referred to as Range 1?

9 A. Range 1, and then ships too use  
10 Range 2582, if I remember correctly.

11 Q. These other channels are working  
12 channels?

13 A. Yes, working channels. It is a  
14 duplex channel on that frequency.

15 Q. How many duplex channels would  
16 you have?

17 A. The same channels, 2582 and 2514.

18 Q. The duplex channel is a channel  
19 whereby the master can communicate with his agent  
20 by telephone?

21 A. Yes, or a passenger on a ship can  
22 come and talk, be in communication through the Bell  
23 Telephone.

24 Q. In any event if a ship wants to  
25 contact Quebec coast station he calls you by 2182?

26 A. Always.

27 Q. He can't get you on any other fre-  
28 quency?

29 A. We don't listen on the others.  
30 Perhaps if we had the instruments, but when I was in





1 English

2 charge we had to shift from one frequency to the other  
3 on the same instruments.

4 Q. I understand at nighttime, particularly,  
5 there is considerably interference on Range 1 from  
6 stations as far away as New York and the Gulf; is  
7 that right?

8 A. Yes, interference some nights is  
9 very heavy from American stations.

10 Q. And also . . .

11 A. And the Lake stations especially.

12 Q. And Lake Lorraine and thereabouts?

13 A. Coming on freak, we call it.

14 Q. Would it be fair to say that at  
15 times by virtue of this interference it is impossible  
16 to communicate anywhere on Range 1?

17 A. Not far.

18 Q. Not far?

19 A. Not far.

20 Q. Could that situation be improved?

21 A. The situation could be improved  
22 if they put it up on Ile d'Orleans, the direction  
23 station.

24 Q. The directional aerial?

25 A. The directional aerial. That would  
26 eliminate much of the strength of the stations that  
27 are now in.

28 Q. That would enable vessels to call  
29 from further away?

30 A. That would increase the range of







1 English

2 vessels which are calling at nighttime from the St.  
3 Lawrence River.

4 Q. I understand that you have some  
5 vhf equipment installed?

6 A. We have one receiver.

7 Q. Just one receiver, one channel?

8 A. One channel, and to tell the truth  
9 I never work it.

10 Q. Are there to your knowledge any  
11 other vhf coast installations downstream from Quebec?

12 A. Maybe. I can't tell you because  
13 I am in Montreal. I went to Father Point when the  
14 station was there, but I have never been to Mount  
15 Joli or Seven Islands or the stations down below.

16 Q. In view of this interference on the  
17 calling channel would you feel that a greater or  
18 enlarged vhf network would be advantageous?

19 A. Well, to give you the proper reply  
20 I would have to have experience on one. I haven't  
21 had experience on it.

22 Q. In the few locations which had  
23 vhf transmitters, did you work?

24 A. We had no transmitter, just receiver.

25 Q. You had no transmitter?

26 A. We had the other transmitter too.

27 Q. Not vhf?

28 A. You mean very high frequency, no.

29 Q. What range would this receiver of  
30 yours have?





English

A. It is always above eight hundred and nine millions.

Q. Eight hundred and nine miles?

A. Eight hundred and nine millions.

Q. The same reasoning would apply, would it not, to a vhf antenna, which I understand they have now relocated at Ile d'Orleans?

A. Maybe, I don't know.

THE CHAIRMAN: Just for curiosity I have seen antennae at La Martiniere. What are they?

THE WITNESS: They are military.

CROSS-EXAMINATION BY MR. BRISSET:

(THROUGH THE INTERPRETER.)

Q. Have you had experience at Riviere du Loup to check the reception of messages from Saguenay?

A. No.

Q. Similar to the experience you had at Ile d'Orleans?

A. It is only from a geographical point of view it would be an ideal site because if you take a transmitter which is operating along a cape like into Tourmente the waves strike against the land and very frequently go in another direction so Riviere du Loup would be a place where it would be easy to receive signals. I would like to go there to make a test, certainly.







1 French

2 Q. When you made these tests in Ile  
3 d'Orleans you were making tests only for receiving  
4 signals, not transmitting?

5 A. If you have an ideal state for  
6 receiving transmissions it would also be ideal because  
7 the importance of the site is very important. There  
8 is also land interference in Tourmente.

9  
10 CROSS-EXAMINATION BY MR. LANGLOIS:

11  
12 Q. I have another question: In your  
13 area there has been no vhf transmitter?

14 A. Not at all.

15 Q. When vhf transmitters have been  
16 installed, does that increase the work load of the  
17 operator?

18 A. I couldn't tell you. I don't work  
19 there. I was at the coastal station.

20 Q. He has one more instrument watch.

21 A. It is one more duty, yes.

22  
23 CROSS-EXAMINATION BY MR. JACQUES:

24  
25 Q. Mr. Cloutier, what studies did you  
26 make to become a radio operator?

27 A. It was in 1913. I met Mr. Duchane  
28 who was chief operator in the Three Rivers station.  
29 and he gave me a licence and the company accepted me  
30 in the Three Rivers District -- not this one, there was





1 French

2 one in Three Rivers and the Marconi Company accepted  
3 me as an operator. They told me where to get education.

4 THE CHAIRMAN: And then you (The remaining  
5 remarks were not interpreted.) . . .

6 THE WITNESS: When I was working on a  
7 ship called the DOLLARD we didn't have crystal receivers.  
8 That was very far away. We had no tubes at that time.

9 Q. Over the years did you get any  
10 diplomas or any rating as a radio operator?

11 A. I was operator No. 263 in Canada.  
12 I passed examinations in Ottawa which was the only  
13 place where you could pass examinations. That was  
14 1918, December 1918 and I got my first class licence,  
15 and still have a first class licence now which allows  
16 me to take in charge of any kind of radio apparatus  
17 on any ship. I can bring the licence this afternoon  
18 if you want.

19 Q. No, I don't think you have to  
20 bring it to the court. Did you make any special  
21 study on the radio-telecommunication to get your  
22 licence?

23 A. When the tube was -- when the  
24 transmitting -- work with tubes were installed, the  
25 Marconi Company opened a school and I went to Montreal,  
26 I don't know how many months, three or four months,  
27 and they showed me how to use these tubes. They gave  
28 us some explanations. They gave us books. I always  
29 loved my work and if I am a teacher it is because I  
30 kept on studying.





1 French

2 Q. In other words you are maybe what  
3 is called a self-made man?

4 A. Maybe so.

5 Q. The examinations that your students  
6 pass, who gives them?

7 A. The chief radio inspector in Quebec,  
8 Mr. Mercier.

9 Q. So this is the Government?

10 A. Yes. I send them to the examination  
11 and then when they have their licence it is very  
12 easy for them to get a job.

13 Q. During the day are there any peak  
14 periods for the reception of messages?

15 A. Well, there is very much -- it  
16 depends on the traffic up and down river. On some  
17 days it is very quiet and on the next day they will  
18 have 25 ships coming up and down. It varies according  
19 to the number of ships travelling on the river.

20 Q. In other words the more ships  
21 you have the more messages you get?

22 A. Yes, the more communications, especially  
23 from the pilots, who are giving their time of arrival  
24 in Quebec.

25 Q. The more ships there are the more  
26 messages you receive, and accordingly the more busy  
27 you are the longer the ships have to wait?

28 A. There is only one man on duty.  
29 Certainly he can't answer only one ship at a time.

30 Q. When you are busy and you hear a







1 French

2 call coming from a ship you tell them please to wait?

3 A. We can't do it otherwise.

4 Q. Do you take a note of the time  
5 when you tell the ship to wait?

6 A. The log book only gives when the work  
7 is done. If I receive a message from the EMPRESS OF  
8 BRITAIN at 10:39 I put 10:39 in my log, the number of  
9 the message, the number for the EMPRESS OF BRITAIN.  
10 I put the EMPRESS OF BRITAIN and I put the call sign  
11 of the EMPRESS OF BRITAIN and I put all this in the  
12 log and we keep track of all the work that has been  
13 done.

14 Q. In your log you show the time when  
15 you receive the message. By using your log would it  
16 be possible to establish for how long a period they  
17 had to wait before getting contact with you?

18 A. No, you couldn't. The ship also has  
19 a log, you understand. If you have the ship's log  
20 you could compare because when he calls me he puts  
21 it on the log and when he gives the message he also  
22 put it on the log.

23 Q. So, according to your experience  
24 the ship's log would give us the time at which the  
25 first contact call was made?

26 A. The ship's operator has to note  
27 every call he makes.

28 Q. At which time he gets contact. If  
29 we are told a ship tried 15 or 20 times to communicate  
30 with the Quebec station we could inspect the ships





1 French

2 log book and establish the time at which the 15 or  
3 20 calls were made.

4 A. Certainly, the operator has that  
5 information in his log.

6 MR. LANGLOIS: My lord, after this point  
7 I would make a suggestion. There has been a very  
8 typical case in the St. Lawrence of delay of communica-  
9 tion, difficulty between a ship in distress and the  
10 Quebec station, and this is the TRITONICA case and  
11 the ROONAH HEAD operator, the other ship made note  
12 in his log. He has got the times at which he tried  
13 to reach Quebec and how much time he took. I think  
14 this piece of evidence could be filed.

15 THE CHAIRMAN: When we opened the Inquiry  
16 here in Quebec the TRITONICA tragedy had just happened  
17 and I mentioned we would be interested in receiving  
18 all the evidence in due time. I would ask that the  
19 evidence be filed.

20 MR. LANGLOIS: Thank you, my lord.

21 MR. BRISSET: The log book of the radio  
22 operator is filed as an exhibit, my lord.

23 MR. JACQUES: You told us that a waiting  
24 period of one hour is exceptional.

25 THE WITNESS: Very exceptional.

26 Q. And you said that half an hour is  
27 possible?  
28  
29  
30







/RPS 1 French

2 A. Yes, in some cases.

3 Q. Is it frequent?

4 A. No.

5 Q. It's only when big passenger ships  
6 are coming upstream and sending many messages?

7 A. If these big passenger ships come  
8 upstream.

9 Q. If you add an extra operator on  
10 duty, would the waiting period be shorter for the other  
11 ships?

12 A. Well of course if you had two to  
13 do a certain job, it is better but this has been --  
14 now you have a special operator for the radio-telephone  
15 and a special operator for radio-telegraph so the  
16 workload is shared now too.

17 Q. You have two operators now in Quebec?

18 A. This is hearsay.

19 Q. It wasn't done during your time?

20 A. No.

21 Q. During your time you were alone?

22 A. Yes.

23 Q. You also told us that it might be  
24 possible for you not to hear a very weak call signal  
25 when there was noise at the station?

26 A. Yes. When the transmitter works,  
27 naturally it always makes a certain noise because of  
28 the engine, and so forth, and add to that the noise  
29 of one or two teletypes, well it is like I said that  
30 the call signal may be very weak and might not be heard.





1 French

2 Q. Now this loud speaker which is used  
3 in order to hear the calls may be regulated at different  
4 volumes?

5 A. Yes, and we do that.

6 Q. At what volume do you set it?

7 A. Well in order to be able to hear.

8 Q. In order to hear it do you raise  
9 it full volume?

10 A. Only about one-third. Well naturally if  
11 we raised it entirely, we couldn't hear.

12 Q. When a call signal is weak, what  
13 does that indicate?

14 A. Well it might indicate two things:  
15 perhaps the transmitter is weak or perhaps the ship  
16 is at Cap Brule, as I mentioned beforehand. I would  
17 say these two things: either the defect of the trans-  
18 mitter or the position of the vessel which is in the  
19 place where the waves are difficult to transmit, and  
20 this is the case for all ships which are going along  
21 the north shore.

22 Q. So the operators are aware of that?

23 A. Yes. If you want to have substantiation  
24 about that, well you can ask an operator working with  
25 me.

26 THE CHAIRMAN; When you are talking about  
27 operators, are you talking about ship operators or  
28 coastal operators?

29 MR. JACQUES: Well coastal operators my  
30 lord.





1 French

2 Q. Do you think that the volume of  
3 that loud speaker you use, in order to receive the call,  
4 do you settle it by taking into account the fact that  
5 all the ships between Cap Brule and Saguenay have  
6 trouble communicating with you?

7 A. Well we adjust it in order to hear  
8 normally, period. I was lucky, because when there was  
9 a transfer from the Marconi Company to the Department  
10 of Transport, I kept my whole staff because to work in  
11 Quebec one must have enough experience.

12 Q. Why?

13 A. For what you just said yourself,  
14 and because other things, in order to be fast in one's  
15 work.

16 Q. What would those other things be?

17 A. In order to receive messages from  
18 the ship, if a man is not used to that work, he is  
19 going to be three times as slow as the others, asking  
20 for repetition of words he did not hear, and if he  
21 is quite used to it, he is going to use his time  
22 efficiently.

23 Q. Do you think that the Quebec Station  
24 would be in a special position as regards the other  
25 stations?

26 A. Yes.

27 Q. In a particular position because  
28 of this communication difficulty and a number of  
29 passenger ships going upstream and downstream?

30 A. Yes, and pilotage station.







1 French

2 Q. Do you not think that these passenger  
3 ships could contact other stations outside that of  
4 Quebec?

5 A. The next one is Mont Joli, It  
6 wouldn't be practical.

7 Q. And now this study you have made  
8 concerning the reception of messages at Ile d'Orleans,  
9 when was that done?

10 A. About four or five years ago.

11 Q. And when the receiver antennae has  
12 been relocated at Ancienne Laurette, do you know if  
13 special studies have been done about it?

14 A. I have discussed that with one of  
15 my old operators, and he told me that this was no  
16 improvement.

17 Q. But you don't know if certain studies  
18 have been done?

19 A. Members of the Department of  
20 Transport do these studies.

21 Q. So you don't know if studies were  
22 done in order to find out if the place was adequate or  
23 not?

24 THE CHAIRMAN: Adequate for what?

25 MR. JACQUES: For receiving messages.  
26 For Maritime reception.

27 THE CHAIRMAN: I understand that at  
28 Ancienne Laurette the two services are combined, both  
29 for aviation and Maritime reception.

30 THE WITNESS: Well they have one more





1 French

2 operator at Ancienne Laurette. There might be a  
3 certain advantage because of this combination. There  
4 is a certain advantage inside the office, but not  
5 outside the office.

6 Q. Were the same antennae used for  
7 the Maritime service and the air service in your  
8 time?

9 A. Well in Lauzon we only had the  
10 Maritime service.

11 Q. You also told us that the operators,  
12 at times, are forced to follow conversations with the  
13 help of earphones in order to keep time. Now what do  
14 they hear in those earphones?

15 A. We hear a conversation between the  
16 ship and shore. Well we must hear it in order to make  
17 the connection as soon as the conversation is over.

18 Q. So you listen in on the working  
19 frequency?

20 A. Well we don't work at all. We just  
21 listen.

22 Q. But you listen on what is called  
23 the "working frequency?"

24 A. 582 or 2514.

25 Q. Now can you at the same time listen  
26 on the calling frequency?

27 A. Well those are by radio-telegraph.

28 Q. So you are listening to that  
29 conversation with the earphones?

30 A. Yes, but we don't need two. We have







1 French

2 only the one piece of earphone.

3 Q. So you listen with two ears at the  
4 same time? You do two different things?

5 A. This is easy for an experienced  
6 operator.

7 THE CHAIRMAN: The witness said beforehand  
8 he was listening without listening. Well he was just  
9 listening without taking into account the content of  
10 the conversation.

11 THE WITNESS: Well the only thing we are  
12 interested in is not hearing what type of conversation  
13 goes on.

14 Q. You said you have received complaints  
15 from different agents here in Quebec concerning  
16 communications?

17 A. Certain complaints because the ship  
18 is supposed to have arrived and I have not received any  
19 answer from my message, so we call back the ship and  
20 we tell the ship to hurry up. This is the type of  
21 complaint, but not a complaint because of the service.  
22 This depends upon the ship's master who doesn't answer  
23 the message. He receives his message on time and if  
24 the ship's master doesn't want to answer, it is his  
25 business.

26 We ask him to answer. If he doesn't want  
27 to answer, then we will call back.

28 Q. Do you think that the shipowners  
29 have complained about the quality of your service while  
30 you were on duty ?





1 French

2 A. No, never officially.

3 Q. Well perhaps they did it orally?

4 A. Yes, I think orally, by phone.

5 Q. And what was the nature of such  
6 complaints?

7 A. As I told you beforehand, sometime  
8 they think it takes too long in order to get an answer.  
9 Take, for example, Mr. Findlay. He waits in order to  
10 find out how many spaces there are for cars for a ship  
11 leaving Montreal, and so forth, and finally well he  
12 says I didn't get the message, or the answer, so please  
13 call again and sometimes they phone in order to find  
14 out if the message has arrived and the message sometimes  
15 stayed too long at the Canadian National so I would  
16 take the phone and send the message. You know that all  
17 paid messages are placed through the teletype circuit.  
18 How many times I pass these messages by phone, and then  
19 I pass them again by teletype when I had time to do so.

20 Q. Did the pilots ever complain to  
21 you about delays in the reception of their message;  
22 of periods of waiting that were far too long before  
23 the station answered?

24 A. No, I don't recall. I have no  
25 document in my files which indicates that they would  
26 phone me by telephone. For example, I sent my message  
27 at such and such an hour and you didn't get it, but  
28 never officially. This was never done officially  
29 because an investigation would have been made by me.

30 Q. So you never received any complaints





1 French

2 from the pilots to the effect that it was taking half an  
3 hour or three-quarters of an hour in order to wake up  
4 the station before they answered?

5 A. No. Well when you say "wake up the  
6 station" it seems you have a bad word. We don't need  
7 to be wakened up. The operator may be busy doing some-  
8 thing else.

9 Q. Does it ever happen that the ship  
10 calls in while the operator is busy and that the  
11 operator doesn't acknowledge this call and doesn't tell  
12 this person to wait?

13 A. I am sorry ---- ?

14 Q. Does it ever happen when the operator  
15 is busy that a ship calls in and that the operator does  
16 not tell the ship to wait?

17 A. Has it ever happened? It might  
18 happen, but I am not there all the time. I am just  
19 telling you about the instructions I was giving them  
20 at the time. What I was doing myself, but when I was  
21 not there, I cannot be sure about what was going on and  
22 if they always followed my instructions. I was not  
23 there 24 hours a day. It might have happened.

24 Q. It might have happened?

25 A. Yes. Well naturally, I don't know.  
26 I wasn't there.

27 Q. Now the transmission of weather  
28 condition reports, this is always done at a given time?

29 A. Yes.

30 Q. We were told previously that the







1 French

2 operators were translating these meteorological  
3 reports?

4 A. Yes.

E25 Q. While you were transmitting these  
6 weather reports, did you interrupt them in order to  
7 answer ships?

8 A. No, never.

9 Q. You never interrupted messages?

10 A. As soon as I was giving the weather  
11 reports, well then I would give them in English and  
12 then I would translate them in French immediately  
13 afterwards.

14 Q. How long does it take to transmit  
15 in both languages, the weather reports?

16 A. Well there was some that were long  
17 and others that were short.

18 Q. Well let us say a long message?

19 A. Well let us say 75 words talking at  
20 my present rate of speech, and the French translation  
21 is shorter than the English text.

22 Q. So it is shorter in French than in  
23 English?

24 A. Yes.

25 Q. But a long message on the weather  
26 conditions, does it last 40, 45 minutes?

27 A. A long message to transmit it on  
28 the line, well it never takes 40 minutes, or 30 minutes  
29 or even 15 minutes. You know that you say a great  
30 deal when you speak without stopping for 15 minutes.





1 French

2 Especially about the weather.

3 Q. Being a lawyer sir we know that full  
4 well.

5 MR. LANGLOIS: I think we should ask the  
6 witness if we are talking about the transmission orally  
7 or otherwise.

8 MR. JACQUES: If my colleague will wait  
9 another moment.

10 Q. Now can we say that it would be a very  
11 rare occurrence for the weather reports to be transmitted  
12 for more than 15 minutes on the radio-telephone?

13 A. This is a very rare occurrence.  
14 It never takes more than 15 minutes.

15 Q. Whenever you transmit these reports,  
16 do you transmit them simultaneously by radio-telephone  
17 and by radio-telegraph?

18 A. No, it is not possible.

19 Q. I am sorry. Perhaps my question is  
20 badly put. Do you transmit them, well let us say,  
21 do you transmit them through these two types of trans-  
22 missions?

23 A. We use two methods, one after the  
24 other.

25 Q. Well how long does it take using  
26 both methods?

27 A. Well let us say that I would have  
28 received some calls while I was transmitting through  
29 radio-telephone. As soon as I was through with the  
30 radio-telephone I would take care of my calls before







1 French.

2 transmitting by radio-telegraph.

3 Q. Now, this is what you do?

4 A. And those were the instructions I  
5 was giving my operators.

6 Q. And when you transmit weather reports  
7 by radio telegraph, let us say a long message, that  
8 would take ten minutes by radio-telephone, how long  
9 would it take by radio-telegraph?

10 A. Well you are asking me things that  
11 I never thought about, and never calculated or figured  
12 out. Perhaps twice as long.

13 Q. Twice as long?

14 A. But I never tried to find out.  
15 It is quite difficult to determine, you know.

16 Q. I know it is difficult. Could it  
17 be said that the weather report transmitted by  
18 radio-telegraph would take about half an hour?

19 A. No, not that much, especially when  
20 you are used to it. Well very long messages may take  
21 that long due to the fact that we are forced to transmit  
22 only 16 to 18 words a minute for ships, for example,  
23 where the operators are not too competent so naturally  
24 this means in most reports usually we send them at  
25 16 to 18 words a minute but if we were free to transmit  
26 at 25 words a minute, well naturally it would take half  
27 as long.

28 Q. Do you give them in French by  
29 radio-telegraph, these weather reports?

30 A. No. Only in English.





1 French

2 Q. And bilingually by radio-telephone?

3 A. Yes, because through radio-telegraph  
4 you pass the examinations in English and you need a  
5 bilingual operator to pass these examinations.

6 Q. You are sure that the operator who  
7 receives a report is bilingual?

8 A. Yes. Well this has nothing to do  
9 with me, you know.

10 Q. Mr. Cloutier we have heard evidence  
11 to the effect that in certain cases it took up to 50  
12 minutes, starting with the first call that was made at  
13 the radio station until an answer was given. What  
14 might have caused such a long delay, according to you?

15 A. Well give me the distance in the  
16 first place. First of all the station that calls and  
17 the station that receives and the approximate location.

18 Q. Let us say a ship that will be about  
19 12 miles from Three Rivers.

20 THE CHAIRMAN: East of Cap Brule.

21 Q. Let us say 12 miles from Three Rivers?

22 A. There is no reason to call for 50  
23 minutes without having an answer.

24 Q. There is no possible reason?

25 A. Technical reason you mean?  
26 Let's be careful now. Let us say the receiver does  
27 not work, is defective. If the transmitter does not  
28 work, for example, sometime you take up to two or three  
29 hours. A station is always supposed to be well-maintained.

30 Q. Consequently, there might be a





1 French

2 defect in the transmitter or the receiver or the operator  
3 who doesn't answer?

4 A. Well the operator who doesn't answer,  
5 yes.

6 Q. Thank you.

7  
8 RE-DIRECT EXAMINATION BY MR. LALONDE:

9  
10 Q. Mr. Cloutier at the time you were  
11 an operator was it important to be a very good bilingual  
12 person in order to fulfil your duties?

13 A. Yes, absolutely.

14 Q. You said, for example, a person who  
15 would have trouble expressing himself in either language  
16 could give rise to delays or difficulties in the operation  
17 of the station?

18 A. Oh certainly, because if the operator  
19 is not bilingual, of course, you have to face certain  
20 troubles. At any rate, the teletype was installed only  
21 two or three years before my retirement. Before that  
22 everything was done through phone, so of course you  
23 had to be bilingual in order to take down all messages,  
24 especially the C.P.R. messages or coded messages  
25 concerning a train, tickets, and so forth, so of course  
26 one had to be careful not to make mistakes.

27 Q. Were you ever told about complaints  
28 that would have been made by the pilots to the Pilotage  
29 Authority as regards communication?

30 A. Not officially sir.







1 French

2 Q. Through channels were you told that  
3 certain complaints had been made to the Pilotage Author-  
4 ity as regards the radio-communication and telecommunica-  
5 tion station?

6 A. I don't recall, but perhaps it has  
7 been done directly, but not to me. It has been done  
8 directly to the Marconi Company. Then if there was,  
9 the Marconi Company would have written to me about it.  
10 This would have been the policy followed.

11 Q. Thank you Mr. Cloutier.

12  
13 RE-CROSS-EXAMINATION BY MR. JACQUES:  
14

15 Q. May it please the court, I would  
16 like the witness to withdraw and read two pages of  
17 testimony that has been made beforehand in order to  
18 fully be able to understand the problem before the  
19 Commission.

20 Mr. Cloutier, this is a ship that was  
21 anchored not far from Three Rivers early in the morning  
22 in the foggy conditions. This ship had communicated  
23 previously with the station. While he was at anchor,  
24 there was no trouble at that time with the transmission.  
25 Everything had taken about 10 minutes. Subsequently,  
26 the fog raised and the ship wanted to leave and advise  
27 the station that she was leaving, so if you please,  
28 you are going to read pages 5,782, 5,783, 5,784 and  
29 5,785. Those are two long pages my lord.  
30

THE CHAIRMAN: There is another good example





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7455

1 French

2 of the way a lawyer calculates.

3 MR. JACQUES: Usually I don't figure  
4 out my fees that way my lord.

5 THE CHAIRMAN: Only during the hearing.  
6 While the witness is reading this evidence, we are  
7 going to adjourn for a few minutes.

8  
9  
10 ---A SHORT RECESS.

11  
12 -

13  
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18 -

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26 -

27  
28  
29  
30







RPS

1 French

2 Q. Mr. Cloutier, you read the evidence  
3 which I produced. Could you tell the Commission what  
4 you think of this incident and why the ship has not  
5 been able to communicate with the Three Rivers  
6 Station?

7 A. First I notice that only vhf was  
8 used. They could have changed. They should have taken  
9 2182, which is the normal frequency for such calls.

10 Q. Yes?

11 A. They didn't do it. They questioned  
12 about using radio-telegraphy and the answer is no.

13 Q. Is there an operator on the ship?

14 A. Well, I presume. If there is no  
15 answer they should change the means.

16 Q. I am told that there is not an  
17 officer.

18 A. I think they missed the ship because  
19 they didn't change to the call frequency which is 2182.

20 Q. In Three Rivers the vhf receiver,  
21 was it in good order?

22 A. It is supposed to be operating, but  
23 sometimes they turn it off because Port a la Citrouille  
24 is in front of Three Rivers Station. It doesn't take  
25 fifteen minutes to get there with a rowboat.

26 Q. The witness who gave this evidence  
27 told us that they used the two telephones on board the  
28 ship.

29 A. But to vhf. I didn't see they were  
30 calling 2182.





1 French

2 Q. Maybe the evidence is not complete  
3 and you cannot give an opinion.

4 A. (Answer was not interpreted.)

5 Q. I think you asked for extra personnel.  
6 Did you make that request from Marconi?

7 A. Yes.

8 Q. And then the Department of Transport?

9 A. I wanted an assistant, teletype  
10 assistant.

11 Q. Do you know what facilities are now  
12 installed at Ancienne Lorette?

13 A. No, I was in there, but I didn't look.

14  
15 CROSS-EXAMINATION BY MR. LANGLOIS:

16 Q. Just one question, Mr. Cloutier.  
17 To go back to this evidence of Mr. Hamelin. If the  
18 operator of the ship could hear the Three Rivers  
19 operator on vhf that means that the equipment was  
20 functioning?

21 A. The fact that he would hear the  
22 transmission doesn't prove that the reception was good.  
23 It even happened to me when I called without receiving  
24 any answer, and at one time I opened the receiver and  
25 I saw a tube was missing, and this is a mechanical  
26 breakdown, failure.

27 Q. But the fact they communicated before,  
28 a few minutes before with the vhf, or one hour before  
29 with the vhf?

30 A. Well, if it was ten minutes, but fifty





1 French

2 minutes is not too far from one hour. In Three Rivers  
3 they are busy, but not that busy.

4 Q. Is it exact to say that twelve miles  
5 on vhf from Pointe a la Citrouille to Three Rivers is  
6 an ideal distance for vhf?

7 A. No, they don't get vhf for 12 miles.

8 Q. That was a good distance for vhf  
9 units?

10 A. Yes.

11 MR. JACQUES: I would like to thank you.  
12 Your evidence has clarified some important points.  
13 Thank you.

14 MR. LALONDE: My lord, it is one o'clock.  
15 I don't think we have time to call a further witness.

16 THE CHAIRMAN: No, we will adjourn to  
17 2:30.

18  
19 ---LUNCHEON ADJOURNMENT.

20  
21 \* \* \*  
22  
23  
24  
25  
26  
27  
28  
29  
30







FB/RPS 1 ---UPON RESUMING AT 2:30 P.M.

2 French

3 MR. LALONDE: Captain Michel Dessault.

4

5 \*CAPTAIN MICHEL DESSAULT, Sworn

6

7 DIRECT EXAMINATION BY MR. LALONDE:

8

9 (\*Please note that the following  
10 testimony is as presented through  
11 the interpreters in the hearing  
12 room.)

13 Q. Would you give us your full name?

14 A. Michel Dessault.

15 Q. Your age?

16 A. Thirty-six and I am a pilot in the  
17 Quebec District.

18 Q. I believe you gave evidence in  
19 Chicoutimi about the Saguenay River, in particular?

20 A. Yes.

21 Q. At that time you said that you were  
22 on the Board of Examiners for mates and captains?

23 A. Since 1959.

24 Q. What certificates do you have?

25 A. Ocean going captain.

26 Q. Since?

27 A. 1958.

28 Q. You have previous experience at  
29 sea?

30 A. Yes, since 1942.





1 French

2 Q. On which kind of ship?

3 A. On different ships. On different  
4 services and all around the world.

5 Q. You were on the St. Lawrence as well?

6 A. Yes, as first mate and captain.

7 Q. Did you participate in the Quebec  
8 District for how many years?

9 A. Nearly six years.

10 Q. Were you paid when you were an  
11 apprentice?

12 A. Yes, by the ship's company.

13 Q. How much did you receive for each  
14 trip?

15 A. In the first years I think I received  
16 \$9 for each trip and then the last year it was \$12.

17 Q. In addition to being on the Examination  
18 Board for captains and mates you have been an assessor  
19 in Maritime suits?

20 A. Yes.

21 Q. Did that happen on a number of  
22 occasions?

23 A. Well, at different times I was asked  
24 to come, but I think only one time I was an assessor.

25 Q. And your function of examiner for  
26 captains and mates, you were called upon to be on the  
27 jury many times?

28 A. Yes.

29 Q. Hundred of times a year?

30 A. Yes, as examiner.







1 French

2 Q. If we include your apprenticeship  
3 years for how many years have you navigated on the St.  
4 Lawrence River in the Quebec District?

5 A. For eleven years.

6 Q. My lord, in view of the fact that  
7 the previous witness gave evidence on the relative  
8 ability of Captain Dessault I would like to file an  
9 extract of the Canadian Shipping News Magazine, April,  
10 1951, volume 722 where there is a report about a Maritime  
11 accident which happened at Port Santos near Sao Paulo  
12 Captain Dessault was second mate on board the ship and  
13 was cited for exemplary ~~bravery~~ beyond his duty.  
14 It is said "Captain Bird disavowed all credit for the  
15 lifesaving feat and acknowledge that ~~his~~ second officer  
16 and boat crew of ~~three~~ were the real heroes of the grim  
17 drama. Later on there is a report of Captain Bird where  
18 the captain stated specifically that the second mate  
19 as well as other sailors -- Captain Dessault dived  
20 into the sea to save the life of some of the sailors  
21 which had fell into the water. That will be Exhibit  
22 No. 661.

23  
24 ---EXHIBIT NO. 661:

Extract of the Canadian  
Shipping News Magazine, April,  
25 1951, volume 722 containing  
26 a report concerning a Maritime  
27 accident where Captain Dessault  
was cited for exemplary  
~~bravery~~ beyond his duty.

28  
29 Q. Captain Dessault, can you describe  
30 to us the limits of the District of Quebec by using the





1 French

2 chart of the Department of Mines which has been filed  
3 as Exhibit No. 435 from Bic to Ile Verte. I would like  
4 to draw to your attention Article 322 of the Canada  
5 Shipping Act which defines the limits of the Quebec  
6 District. Could you with a red pencil indicate on  
7 Exhibit 435 Ile du Bic to Ile Verte. Could you give  
8 us the lower limits of the Quebec District?

9 A. On chart 1204 the limits as described  
10 in the Shipping Act don't appear. The practical limits  
11 appear, the limits are a line between Father Point and  
12 Cap Colombier in the north.

13 --- (UNINTERPRETED DISCUSSION BETWEEN COUNSEL.)

14 --- EXHIBIT 662 Chart No. 219 of the Hydrographic  
15 Service of the Ministry of Mines  
16 and Technical Surveys

16 Q. We are trying to find the exhibit,  
17 The Commission doesn't seem to have chart 1219, so we  
18 are going to use the chart brought by Captain Dessault  
19 which will be Exhibit No. 662, chart No. 219 of the  
20 Hydrographic Service of the Ministry of Mines and  
21 Technical Surveys. Its title is Pointe au Pere, Quebec.  
22 Could you draw in red the limits?

23 A. There is a line between Father Point  
24 and the light situated in Cap Colombier, a straight  
25 line. These are the eastern limits of the District to  
26 the west. There are limits of the Quebec Harbour in  
27 the Canada Shipping Act which is Cap Rouge and Point  
28 a Basile in the south. It doesn't appear on the chart.  
29 You will not see it on any of these charts.

30 Q. Could you draw the lower limits on





1 French

2 Exhibit 443, I mean the upper limits on chart 1333?

3 A. As I mentioned before it is a straight  
4 line from the north of Cap Rouge roughly to Pointe a  
5 Basile on the south shore, so these are the western  
6 limits of the Quebec Harbour.

7 Q. Now, Captain Dessault, could you  
8 tell us what are the main characteristics of your  
9 District, from the navigation point of view, and to do  
10 so you could take the case of a ship coming upstream  
11 in the St. Lawrence, bring the ship into Quebec by the  
12 northern channel and going then downstream by the  
13 southern channel, explain to us what are the main  
14 characteristics of the District?

15 A. Well, before starting my exposé  
16 we should divide the District into parts, each one  
17 with special characteristics. From Escoumains to  
18 Cap aux Oies, which is wide but where the currents  
19 are swift, and from Cap aux Oies to Quebec where the  
20 channel becomes narrower and also where the currents  
21 play a dangerous role. When you take Escoumains  
22 which is down somewhere around Les Escoumains and  
23 captains bring their ships near the station, some  
24 site -- the first thing to do when a pilot goes on  
25 board is to site his ship, to look exactly where the  
26 ship stands and to put his ship on safety heading,  
27 that is where the shoals are Cap Bon Desir, about three-  
28 quarters of a mile from Cap Bon Desir. It all depends  
29 where the ship starts. Then the pilot verifies the  
30 position of the ship. He sees if there are any other







1 French

2 ships around him. I would like to also mention that  
3 the pilot advises -- asks the captain if he is applying  
4 the quarantine or immigration regulations and whether  
5 he wants his advice in such circumstances. From Cap  
6 Bon Desir where we have a very good landmark we follow  
7 a heading which brings us -- I will try to draw a line.  
8 It will not be too precise. I can try.

9 Q. The witness will try to draw with  
10 a blue pencil the approximate course followed by the  
11 ship.

12 A. This is very approximate because the  
13 rule isn't -- even this rule isn't very straight.

14 Q. So as the witness says these are  
15 approximate courses because he doesn't have the right  
16 instruments.

17 A. From Cap Bon Desir we follow headings which  
18 bring up about half a mile south of that light ship  
19 at the mouth of the Saguenay River. I would like to  
20 say that the course will vary according to the type  
21 of the ship that the pilot is piloting and also accord-  
22 ing to the current at that time. So a ship rather high  
23 will have, will give more drift and it all depends  
24 on the time of the tides. In Chicoutimi we talked about  
25 it, we mentioned in the Saguenay the currents are very  
26 swift and we have to be very cautious, especially if the  
27 ship doesn't have much power.

28 Q. Are there any special difficulties  
29 in the channel from Ile Rouge to Batture au Alouettes?

30 A. Yes, the light is just in front of





1 French

2 Ile Rouge. That is one of the beacons in the channel.  
3 When there is a fog we have to be very careful, especially  
4 that there could be other ships moored, ships without  
5 radar which can be anchored at the entrance of the  
6 Saguenay, and we have to take special measures to be  
7 sure exactly where we are and especially around the  
8 light ship in the Rouge. The currents are very swift  
9 there. The currents are very swift and we have to be  
10 very cautious.

11 Q. Sorry to interrupt you. You mentioned  
12 the currents. Are they strong or does their strength  
13 vary according to the time of the year, can you give  
14 us that?

15 A. Well, at springtime especially, when  
16 there is high wind the currents are very, very swift  
17 and reach speeds from five to six knots. When the  
18 tide comes down especially -- well, this is a current  
19 which varies according to the tide. It changes with  
20 the tide. That is to say he turns around. In the  
21 spring current it usually, tends to go northeast, that  
22 is to bring on the reefs around Ile Rouge. We have  
23 to be very careful.

24 Q. These reefs, are they very important?

25 A. Yes, they go about two miles out  
26 to sea.

27 Q. Are they near the ship passage?

28 A. Yes, very near the ship, if a  
29 downstream-going ship.

30 Q. Do you meet large coastal ships in this







1 French

2 area?

3 A. Yes, especially small ships with  
4 low power, and which cannot -- put us in a very  
5 embarrassing situation because they don't have much  
6 power and don't roll much to the current. These things  
7 can be understood. Sometimes they have a ship six,  
8 seven, eight, knots which comes against a current of six or  
9 seven knots, so the pilot has to be even more careful.





R/RPS 1 French

2 Q. When you mention small coastal ships,  
3 could you be a little more precise? Which kind of  
4 ship?

5 A. By small coastal ship I mean what  
6 we call river schooners which could have maybe from  
7 50 to 300 tons gross weight but lately we have meant  
8 by coastal ships around 1,000 tons but those ships  
9 do not have enough power.

10 Q. So please proceed. We were in the  
11 passage around Ile Rouge.

12 A. On the south side you have reefs,  
13 but you have to be also careful on the north side  
14 where on the chart you see the reef. These reefs go  
15 as far as four miles out and especially with a northeast  
16 wind, it could be very dangerous for the upgoing ships  
17 then to come very close to the reefs so if the visibility  
18 is bad, which it happens very frequently around that  
19 section, we have to be even more careful.

20 Q. Now is it particularly difficult  
21 to drop the anchor in this area if you have a mechanical  
22 failure?

23 A. Well in this area there are good  
24 spots to drop the anchor but if you are in the middle  
25 of the channel with a very strong current, then it  
26 could be difficult if you had trouble with the power  
27 or with the steerage if you are in the channel. Then  
28 you are in a very poor position because you cannot  
29 drop the anchor there so when you reach buoy 96, which  
30 is known by the other name Point aux Alouettes or Rock





1 French

2 Reef, there is maybe a change of heading and you go to  
3 Cap-aux-Chiens, which is our known landmark on the  
4 north side, so we go past Cap-aux-Chiens about half a mile,  
5 three-quarters of a mile under that heading. We need  
6 to be very careful again especially when the current  
7 coming from the channel of the Ile Rouge, which is  
8 called Ile Blanche channel will affect the ship with  
9 low power. You have to do a lot of -- sometimes have  
10 to adjust from ten to fifteen degrees your heading.

11 Q. Could you tell us if there are  
12 any particular difficulties when meeting schooners around  
13 buoy 96B? Is it a place where you meet frequently  
14 schooners?

15 A. Yes. You can understand that because  
16 most of these very large, a number of these schooners  
17 that we meet in this area are going into the Saguenay  
18 River and for the pilots, we know that and we expect  
19 to meet them because they start from that point. They  
20 moor around that buoy 96 and they will follow the north  
21 side and especially because they have a shallow draught  
22 they can pass over the outside part of Banc des Alouettes,  
23 so you have to be very careful there because it is  
24 a focal point for the ships. You can meet ships coming  
25 from two or three directions at the same time and in  
26 the fog it could be very delicate.

27 Q. You mentioned buoy 96, and the  
28 Prince Shoal, the lighthouse at Prince Shoal. Or I  
29 mean the light ship at Prince Shoal. What is the  
30 depth there? Is it not very shallow?







1 French

2 A. Yes, you have to be careful because  
3 on the outside part, this one ~~which is~~ the exact  
4 extreme of ~~Pointe~~ aux Alouettes, ~~which is~~ nearly on  
5 the point, from buoy 96 and the light ship.

6 This means that especially when the tide  
7 is coming up, and after a northeast wind of long  
8 duration it could be dangerous especially for big ships.

9 Q. If you could proceed, going upstream?

10 A. So I was near Cap-aux-Chien.

11 THE CHAIRMAN: The question Which appears  
12 on Exhibit 439, chart 1201. Could you again give us  
13 the approximate course you follow in this area?

14 A. Well the approximate course which  
15 was mentioned, was buoy 96. I go to Cap-aux-Chien and  
16 depending on the currents, I would say the heading  
17 would have been 215 depending on the sea, on the wind,  
18 on the speed of the ship, and so forth. Cap-aux-Chien  
19 is a very good landmark and from there we follow.- We  
20 go to Cap au Saumon.

21 Q. In Cap-aux-Chien is it a place where  
22 you meet more fog than in any other place or is it the  
23 average fog conditions you meet?

24 A. I would say that in all the area,  
25 Chien  
26 from Cap-aux-~~/~~ to Cap Bon Desir and all around Ile  
27 Rouge and the mouth of the Saguenay is an area where  
28 you meet more fog than on the St. Lawrence.

29 Q. Are there any reasons why there would  
30 be more fog there than any other parts of the St.  
Lawrence?





1 French

2 A. This could be answered best by  
3 meteorological experts who would have better knowledge  
4 of this, but I would say that it is probably the fact  
5 that different masses of water, with different density  
6 and different temperature meeting in this area, and  
7 also the winds could be different.

8 The Saguenay is more or less a corridor  
9 which could bring warm winds which meets cold water.  
10 All these different temperatures, density of water,  
11 and so on, certainly creates that fog and in the summer  
12 any southeast wind is a warm wind and it brings that  
13 heat and mixed up with cold water there is in that  
14 area a formation of fog.

15 Q. So from your experience it's in this  
16 area of the St. Lawrence, in this district that the  
17 fog is more frequent?

18 A. Yes.

19 Q. What is the water temperature in  
20 this area in the summer? You say that when warm  
21 wind coming from the land, this strikes the cold water?

22 A. It could vary but the average temper-  
23 ature during the season is probably around 40 to 42  
24 degrees Fahrenheit I am not a meteorologist expert for  
25 the St. Lawrence.

26 Q. Will you proceed?

27 A. From Cap-aux-Chiens we follow a course  
28 to Cap au Saumon which is 9.3 nautical miles, and there  
29 the average heading would be about 207 true degrees. In  
30 that area I would say that there is nothing much to







1 French

2 mention except that during the heavy traffic season there  
3 is a ferry going from Quai St. Siméon to Rivière du  
4 Loup and a ship which follows a course which is  
5 perpendicular to the normal course of shipping.

6 In fog conditions there is an additional  
7 danger which we should take into account.

8 Q. In the area you have just indicated,  
9 do you have some soundings down near the coast or don't  
10 you have any in that area?

11 A. Well I will tell you, there is always  
12 a sounding done but that northerly side of the channel  
13 is quite deep and sounding is done at great depth and  
14 soundings on that northern part of the channel cannot  
15 be relied on too much but the south side of that channel  
16 should give us certainly more information.

17 Naturally we can be along the coast, which  
18 is rocky and still be at a great depth of water so the  
19 sounding in that area is not of great help to the pilot  
20 or the navigator.

21 Q. Now in order to give us a more  
22 precise idea, could you please tell us to what distance  
23 at Cap-aux-Chien  
24 at Cap-aux-/- could you go without touching bottom with  
25 a ship?

26 A. To Cap-aux-Chien we could perhaps dock  
27 along the rocks and this was a current practice before-  
28 hand. It was a current practice for small schooners and  
29 they could load from these places where they dock,  
30 just next to the rocks. It was a current practice  
up to a few years ago so you could go up to this rocky





1 French

2 Chien  
3 shore. From Cap-~~aux-~~ now usually we have a direct  
4 course in order to reach Cap aux Oies, which is twenty-one  
5 and a half miles distance from land. This average course  
6 would be of two hundred and eighteen degrees and at the  
7 halfway well past one mile north of Banc aux Morin which  
8 is indicated by a buoy with a radar reflector. Starting  
9 from Banc au Morin to Cap aux Oies the soundings are  
10 a little bit more appropriate and can be of certain  
11 help.

12 Q. Captain Dussault you have just  
13 indicated the approximate course on Exhibit 439 from  
14 Cap aux Saumon to Cap aux Oies, that is Goose Cape.  
15 Will you please now proceed and continue the description  
16 on Exhibit 440, chart No. 1207 from the Hydrographic  
17 Service, starting once more at this chart by Goose  
18 Cape and tell us the approximate course and the particular  
19 difficulties in that area?

20 A. Well at Goose Cape, as I mentioned  
21 beforehand, one can say that the pilot leaves the  
22 relatively wide part of the portage area and really  
23 gets into a narrow channel as is usually recognized.

24 Q. I am sorry if I interrupt once  
25 more. Before going on, going more upstream from Goose  
26 Cape could you please indicate if there are certain  
27 facilities for anchorage in that region either around  
28 Banc des Anglais, which is indicated on the map as  
29 English Bank?

30 A. Certainly. Generally speaking in  
the whole area of Bouée a Marin or Morin Banc up to





1 French

2 Goose Cape many anchorage points can be found. As  
3 you indicated English Bank is one of such places for  
4 anchorage and it is well outside the channel.

5 Although certain pilots prefer a little more below,  
6 a few miles upstream to Banc a Marin and certainly  
7 prefer to enter Baie de la Malbaie or Murray Bay, the  
8 whole region is very good for anchorage and we use  
9 it for ships which have a great draught which must  
10 wait for the tide in order to proceed upstream because  
11 these anchorages are used by all pilots currently.

12 Q. Are there any anchorages downstream  
13 from Prairie Shoal for ships which have a great draught?

14 A. Yes, there are many places where  
15 it could be used for anchorage and these places are  
16 perhaps not as good but they are at reasonable distance  
17 between the south shoal and Hare Island shoal and all  
18 along Hare Island could be used as anchorage sites.

19 Q. Are those anchorages easy to accomplish  
20 in the area, or are there any currents that are very  
21 strong or is the current normal, in particular at  
22 English Bank?

23 A. Well the currents can be strong  
24 enough especially at the beginning of the season in the  
25 spring with freshets, especially the current downstream,  
26 it's relatively strong and we should take the necessary  
27 precautions.

28 That is that the pilot should take the  
29 necessary protection sometimes by having to anchor.  
30 Normal protection that any good pilot would make knowing







1 French

2 the period of the year and the great currents caused  
3 by freshets and especially at big tides'.

4 Q. Now will you please go on and starting  
5 from Goose Cape going upstream?

6 A. As it was mentioned a few moments  
7 ago, then we would go to the relatively narrow channel.  
8 There are many courses, depending upon the state of  
9 the tide and of the ship and this will be done in order  
10 to pass off Prairie Shoal around nine miles and a half,  
11 nine miles and three-quarter upstream from Cap aux  
12 Oies or Goose Cape.

13 Q. I see that you have indicated with  
14 a blue pencil underlining Prairie Shoal.

15 A. On this course usually, and this  
16 is not the case in the past two years because of  
17 building, while there was a displacement, we will have  
18 a light on Cap St. Joseph which will allow us to check --  
19 here I must underline that the currents in that area  
20 are extremely strong. They are some of the strongest  
21 of the whole St. Lawrence. I can perhaps give you an  
22 example that recently with a ship I took perhaps two  
23 hours in order to cover that distance, a distance of  
24 nine and three-quarter miles between the two points.

25 Q. And how long did you take?

26 A. I didn't figure it out by the  
27 minute, but practically two hours.

28 Q. So it would indicate that the current  
29 in that area would be -- could reach what velocity?

30 A. Well especially in the spring when





1 French

2 they have some great tides it could be six to seven  
3 miles. The reason for which they are more dangerous  
4 is because they are not longitudinal to the channel  
5 and flow on one side of the battures or the other side  
6 and maybe lateral.

7 Q. Are there battures especially in  
8 that region?

9 A. Yes, we could say that the battures  
10 would extend along both shores, the spread of the shores  
11 especially starting at Martin Cape and up, two miles  
12 up to St. Joseph Cape.

13 Q. In the region that you mentioned  
14 near Coudres Island, could you please indicate to us  
15 if the currents are in the same direction as the navig-  
16 ation of the river, generally speaking?

17 A. No.

18 Q. Could you please indicate on that  
19 chart, using a red pencil, what is the direction of the  
20 current in that area?

21 A. Well of course we must establish  
22 the differences, especially, generally speaking, we must  
23 say there are some very strong violent current which will  
24 push us towards Coudres Island, and especially in a  
25 direction which will sort of throw us in the general  
26 direction of Coudres Island especially as you have  
27 passed St. Joseph Cape. There you will meet a very  
28 violent current and once more it oftentimes creates  
29 great difficulty meeting with small ships either through  
30 being carelèss or not having enough power will sort







1 French

2 of create a risk for the others.

3 Q. Now are you indicating that in that  
4 particular area there are some special dangers with the  
5 small navigation because of the strong current?

6 A. Well certainly one of the places  
7 where any pilot takes special precautions, in order to  
8 check, having to maintain his ship on the right side  
9 of the channel in full safety position, as requested  
10 by all the By-Laws of navigation and seamanship and  
11 what happens at times is in difficulties by the meetings  
12 and danger of collision at sea.

13 Q. Now according to your own experience  
14 did you ever meet any special difficulty in that  
15 particular area?

16 A. Well certainly many times on small  
17 vessels I had to give a drifting of 15 to 20 degrees  
18 in order to meet with those strong currents, in order  
19 to maintain myself on the good part of the channel.

20 Q. Now I think that you referred to  
21 St. Joseph Cape and you also underlined that Cape with  
22 a blue pencil on the north shore facing Coudres Island.  
23 You mentioned, I think, that there is a lighthouse  
24 which is not working this year at that particular place?

25 A. Yes, this is true so on the tip  
26 there is a green light there at Coudres Island which  
27 was being used many ways but unfortunately in the past  
28 two years the berth has been rebuilt entirely and  
29 during the construction work well this light is no  
30 longer working. It was replaced by a small weak light





1 French

2 which does not work.

3 Q. So during the last two navigation  
4 seasons, last year and this year, you did not have at  
5 your disposal the light on St. Joseph Cape?

6 A. Yes, this is true.

7 Q. But just the same, don't you think  
8 the direction light at Cap de la Baie in order to  
9 compensate this light that disappeared from St. Joseph  
10 Cape -- could you please indicate the Cap de la Baie on  
11 the chart, chart 1207, Exhibit 440?

12 A. On this chart it was already mentioned.  
13 We indicated it by a red circle and the location mark  
14 with a black pencil at the centre and this red mark  
15 is indicated here as being position A. Not during the  
16 present season, but in the course of the season 1962  
17 we had this direction light for three sectors which  
18 was not used, a three-sector light which was not as  
19 it should have been. Well to my own knowledge this light  
20 was not used this year.

21 Q. So according to your own knowledge  
22 the light at Cap de la Baie does not work this year  
23 either? According to your experience was that light  
24 useful, at any rate?

25 A. Well as I have already mentioned I  
26 think that that light was more dangerous than anything  
27 else.

28 Q. How come it was more dangerous?

29 A. Well this can be explained because  
30 of the direction change of the currents in the cove of  
Prairie Shoal.







B/RPS 1 French

2 The ship's were trying to follow that light and the  
3 pilots were trying to put these ships in the directional  
4 beam, and small ships who didn't have many horsepower,  
5 the first thing they knew was that they were drifting  
6 into the ship channel coming from the opposite direction,  
7 and naturally this represented a danger for navigation.

8 Q. To your knowledge did the pilots  
9 exercise any pressure to see to it that the light at  
10 Cap de la Baie was improved, so to speak?

11 A. Yes.

12 Q. What was the effect or the consequence  
13 of such pressures exerted?

14 A. We wrote to Captain Gaudreau, the  
15 Regional Marine Agent in Quebec and we met him as well  
16 as his staff in order to discuss the matters, and I  
17 had hoped that we would get some results.

18 Q. Now, what was the request you put  
19 in regard this light? Did you ask for its removal?

20 A. Well, we asked for the removal of the  
21 light and Captain Gaudreau asserted to us that light  
22 was only on an experimental basis.

23 Q. Captain Dessault you are Vice-President  
24 of the Association, Pilots' Corporation at the present  
25 time?

26 A. Yes.

27 Q. I would like to show you a letter  
28 sent by Wilfred Menard and addressed to Captain Gaudreau  
29 dated January 23rd, 1963 as well as the letter attached  
30 to the first one dated April 23rd, 1963 addressed to







1 French

2 Mr. Wilfred Menard and signed by Captain Gaudreau entitled  
3 "Re directional light at Cap de la Baie". Could you  
4 please tell me if you know about those letters?

5 A. Yes.

6 MR. LALONDE: May I file this document  
7 as Exhibit 633 entitled correspondence exchanged between  
8 the Corporation of the Lower St. Lawrence Pilots and  
9 Captain Gaudreau.

10 THE WITNESS: District Marine Agent of  
11 Quebec.

12 MR. LANGLOIS: I am sorry, isn't there  
13 a mistake in the exhibit number because I have reached  
14 only Exhibit 661?

15 THE SECRETARY: (THE INTERPRETER: Mr. Nadeau  
16 is not speaking into the microphone and cannot be  
17 interpreted.)

18 MR. LALONDE: The exhibit will be 663.

19  
20 --- (FRENCH REPORTER READS BACK MR. LALONDE'S LAST REMARK.)

21  
22 MR. LALONDE: Regarding directional light  
23 at Cap de la Baie dated January 23rd, 1963 and April  
24 23rd, 1963, respectively. This letter is important,  
25 to a certain extent, my lord, and perhaps it should be  
26 translated immediately. Perhaps I could ask Captain  
27 Dessault to read it.

28 THE WITNESS: Would you please read it  
29 yourself.  
30





French

---EXHIBIT NO. 663:

Correspondence exchanged between the Corporation of the Lower St. Lawrence Pilots and Captain Gaudreau regarding directional light at Cap de la Baie dated January 23rd, 1963 and April 23rd, 1963, respectively.

MR. LALONDE: The first one is dated January 23rd, 1963 addressed to Captain George Gaudreau, Regional Agent, Maritime Services, C.P.310, Haute Ville, Quebec 4.

"Dear Captain Gaudreau:

Re: Directional Light at Cap de la Baie.

During a meeting which was held between Captains Rousseau and Dessault respectively, President and Vice-President of the Corporation and Captain Henri Allard, local Supervisor of Pilots with the engineers, Vallee and Godin, of the Department in order to discuss the range light at Les Escoumains. We took advantage of that meeting in order to discuss the directional light at Cap de la Baie and here we would like to confirm observations as regard the latter light.

While after its installation the President indicated that there was some bad ship crossings because of that light. We received some reports from the pilots concerning the difficulties they have had







1 French

2 "to meet with coasters at that particular  
3 area. Instead of being an aid to navigation  
4 this light represented a danger due to the  
5 fact that the downstream ships having no  
6 pilots on board most of the time tried  
7 to use that light as a navigation aid  
8 at low tide, while ships are drifting  
9 practically towards the north and then  
10 across the ships going upstream, which  
11 at time must be piloted in difficult condit-  
12 ions in order to avoid them. Moreover  
13 as that light is at a low level oftentimes  
14 giving the impression to the ships going  
15 upstream that those are ships' navigation  
16 lights which creates confusion when the  
17 traffic is heavy."

18 (THE INTERPRETER: The microphone has gone  
19 off.)

20  
21 ---SHORT RECESS.

22  
23 MR. LALONDE: I shall resume reading the  
24 letter dated January 23rd. We had reached the paragraph  
25 which starts:

26 "Mention was made of installation of  
27 that range light many times past and the  
28 pilots always objected to it and they know  
29 more than ever that that range light is  
30 absolutely useless and harmful. We thank





1 French

2 you in advance Captain Gaudreau for the  
3 attention you will give this matter and  
4 we are at your disposal for any further  
5 information that you might want to have.

6 Yours very truly,

7 (Signed)

8 Wilfred Menard,

9 Secretary-Treasurer,

10 Corporation of Lower St.

11 Lawrence Pilots."

12 On April 23rd the following letter was  
13 sent by Mr. Gaudreau to Mr. Menard:

14 "Following your letter of January  
15 the 23rd concerning the light at Cap de  
16 la Baie we advised your Department at  
17 Ottawa that the Captain of the Dominion  
18 Marine Association upon the last meeting  
19 studied your report as well as the advantages  
20 and disadvantages of that directional  
21 light and that they have reached the  
22 conclusion that that range light was useful  
23 and was not harmful as you mentioned in  
24 your letter. It is our intention to  
25 widen the base of that light and to install  
26 it at a higher level at the Cape in order  
27 to distinguish it from the navigation  
28 lights.

29 Very truly yours,  
30 Regional Marine Agent,  
G.E. Gaudreau."





1 My lord, in order to facilitate even more  
2 the presentation of his evidence Captain Dessault is  
3 ready to give evidence in English and, moreover states  
4 that it is not a trouble to him at all. With your  
5 authorization he will resume the description of his  
6 District in English.

7 THE CHAIRMAN: Perhaps it will be easier  
8 because then he will be forced to speak at a normal  
9 rate.

10  
11 CONTINUATION OF DIRECT EXAMINATION BY MR. LALONDE:

12  
13 Q. Captain Dessault, I believe when  
14 I started reading the last exhibit I was asking your  
15 opinion about the utility of this light at Cap de la  
16 Baie. Would you state what is your view in that  
17 respect from your experience as a pilot?

18 A. As I just mentioned a little earlier  
19 while I can see -- I could have seen some utility in  
20 the light in narrow channels such as Coudre Passage  
21 if it hadn't been for the currents that sit in that  
22 area, due to the fact that these currents which are,  
23 of course, very strong I think the light is more of  
24 a hinderance, and I might say, might lead more to danger  
25 and danger of collision than not. I can't see any  
26 use of it, and my personal opinion is that this light  
27 does more bad than good.

28 THE CHAIRMAN: In the letter that was read  
29 it was said that some ships were using it while going  
30 downstream. How could they?







1 English

2 THE WITNESS: They could use it, your  
3 lordship, by just looking back, and just seeing in which  
4 sector they were. This is just a danger to them. Due  
5 to the very fast currents it is a danger. A fellow  
6 wouldn't know, he would see the directional light and  
7 say I am going to keep them, but the currents are  
8 going to swish him from one line to another, and then  
9 he falls into the line and this would become a danger  
10 especially on the turn there, on the curve when he  
11 comes right around.

12 THE CHAIRMAN: Especially with the falling  
13 tide?

14 THE WITNESS: Of course, because this is  
15 when the current is at its strongest point, let us say,  
16 from two or three hours from high water to low water  
17 or an hour afterwards. Especially from Cap de la Baie  
18 buoy which sets very strongly in Baie St. Paul and once  
19 you have overshot Prairie light, and then the same  
20 tide will cross over -- he is just going to criss-cross  
21 there in the channel. A change of course is going to  
22 have to be made. This is when danger appears. The  
23 Prairie light in itself is a very good thing, but  
24 at that particular spot with the particular current  
25 conditions it becomes a danger.

26 Q. You mentioned, I think, that that  
27 light wasn't on this season?

28 A. I haven't seen it.

29 Q. You haven't seen it?

30 THE CHAIRMAN: Have you been there?





1 English

2 THE WITNESS: Yes, sir, approximately 65  
3 times, your lordship.

4 MR. LALONDE: Approximately what?

5 THE WITNESS: 65 times.

6 Q. Did you happen to travel on large lake  
7 ships during the last two seasons in that area?

8 A. Frequently, sir.

9 Q. Have any captains, masters of lake  
10 ships ever asked you why the light wasn't on or have  
11 they made any comments to you about that particular  
12 light, in your presence?

13 A. Not that I recall. I don't think  
14 this light has been the subject of conversation by any  
15 of the masters, and I have piloted many of the large  
16 lakers.

17 Q. And smaller lakers too, I understand?

18 A. That is right.

19 Q. Would you now proceed from the  
20 particular spot you had reached, which was Cap de la  
21 Baie?

22 A. No, we were up to Prairie Shoal,  
23 and of course, coming around the sharp point there  
24 shaping the course on the leading lights there at  
25 Cap Corbeau and shaping the course to take us up to  
26 Cap Maillard, Buoy 106.

27 THE CHAIRMAN: While we are on the subject  
28 of the light at Cap de la Baie, on the chart I have  
29 in front of me it is not shown.

30 MR. LALONDE: Chart 1207, my lord. There







1 English

2 is a light off the bank there at Claude Shoal, but there  
3 is no light shown on this map I have here.

4 MR. JACQUES: My lord, the chart corrections  
5 apparently have never included that light. It is not  
6 shown on any chart. On the exhibit its position was  
7 shown by a witness in Montreal. I forget who he was.  
8 I think Captain Gaudreau indicated the position of the  
9 light on the exhibit, but it is not shown as a printed  
10 part of the chart.

11 THE CHAIRMAN: Would the witness agree to  
12 that?

13 THE WITNESS: Yes, it has never been shown.  
14 I believe that we did mention that to Captain Gaudreau  
15 and his officers and he mentioned that it was shown  
16 last year, it was on a provisional basis, or an experimental  
17 basis.

18 MR. LALONDE: Would you chart your course  
19 from the point you had reached?

20 THE WITNESS: Coming around the point of  
21 Prairie Shoal to St. Paul there they would shape a  
22 course up with the range lights, the average course, of  
23 of course, then would be 206, 207. There again you  
24 would have to adjust it depending on the vessel, the  
25 time of the tide et cetera, the speed of the vessel  
26 and many other things that have to be taken into  
27 consideration. I mention here that the ebb tide and  
28 the flood tide -- the ebb tide especially has to be  
29 governed against any swift onset at the latter part of  
30 the exit that takes you right into Baie St. Paul. On





1 English

2 the way up to Cap Mailard we have a buoy at Cap de la  
3 Bais and we also have a transit light on Petite Riviere  
4 there, on the wharf, and that can be used as a check  
5 point.

6 Q. Excuse my interrupting: in this  
7 Coudres Island Passage, is that the place where you  
8 meet more fog than at some other places on the river,  
9 or do you have fog sometimes there more often than  
10 elsewhere?

11 A. I wouldn't say we have fog more than  
12 elsewhere. I would say that fog happens there on --  
13 well, a pilot would have occasion to meet fog or very  
14 low visibility in that region quite frequently during  
15 the season of navigation. I wouldn't say it is more  
16 than -- I would even say it is less than Saguenay, but  
17 it is still a place where on several occasions a pilot  
18 would encounter fog during the season.

19 Q. Is there any difficulty for ships  
20 in fog there? Let me rephrase this otherwise: have all  
21 the ships you have taken had radar on board?

22 A. You mean all the ships I piloted  
23 this season?

24 Q. Well, in your experience.

25 A. Well, of course there is a certain  
26 amount, several vessels which I piloted this year and  
27 past seasons which weren't fitted with radar or had  
28 radar which was defective and wasn't working.

29 Q. Did this happen to you this year?

30 A. I believe I have had a few ships not







1 English

2 fitted with radar this year.

3 Q. What do you do in that particular  
4 passage without radar if there is fog?

5 A. Well, I mean I would say that generally  
6 speaking as a normal precaution for security of navigation  
7 et cetera, with a ship of fair size or even a fairly  
8 small vessel, that you would not navigate in very low  
9 visibility or in fog upwards of Cape Scuse, up river  
10 from Cape Rouge, that with good seamanship you would  
11 say let us go to anchor and wait for better conditions.  
12 In fact/this upper part of the District it is <sup>in</sup> general.

13 Q. In that particular case near Ile  
14 aux Coudres is there also a ferry service?

15 A. Yes, sir, there is a ferry service  
16 operating throughout the year from Cap St. Joseph wharf  
17 to Coudres Island wharf. There is also in the  
18 vicinity a submarine/which, of course, if you do have  
19 to anchor under there you have to be very careful to  
20 let your vessel be in such a position not to damage the  
21 cable.

22 Q. In fact, can you anchor in that  
23 area?

24 A. It is prohibited anchorage, sir.  
25 In the case of emergency you would have to make sure  
26 you weren't close to the cable.

27 Q. Even in the case of emergency if  
28 you were to anchor there is the bottom good enough to  
29 hold the ship in that area with the currents?

30 A. Bottom is good enough might not be







1 English

2 the way of saying it. It is a poor anchorage. You  
3 might have to, you would have to take extra precautions  
4 and maybe even keep your engines on standby if you  
5 could use them, and help the ship along, sort of, with  
6 her anchor.

7 Q. Would you proceed from there?

8 A. From Cap Maillard we just shape a  
9 course to take us up to Cap Grisbanne, which is better-  
10 known locally as Longue Pointe.

11 Q. Did you chart with blue pencil the  
12 approximate course up to Cap Maillard?

13 A. I have already marked that.

14 Q. Thank you.

15 A. We are up to Cap Maillard, Buoy 106.  
16 From there we shape, as I just mentioned, a course to  
17 take us to Cap Grisbanne, Buoys 108 or 109. Cap Grisbanne  
18 is better-known locally as Longue Pointe Bar.

19 THE CHAIRMAN: When you are in this  
20 section could you indicate on the map for our future  
21 reference where the TRITONICA was sunk?

22 THE WITNESS: If I remember well, the  
23 TRITONICA wreck . . .

24 MR. LANGLOIS: My lord, I have in my file  
25 on the TRITONICA the deposition as obtained by the  
26 Department of Transport. I would be prepared to file  
27 a certified copy of that deposition. Captain Dessault  
28 could put it on the chart from that.

29 THE CHAIRMAN: We will do it tomorrow.

30 THE WITNESS: I have it by heart, anyway.





1 English

2 If I am not mistaken the position is from Petite Riviere,  
3 St Francois wharf to Head 268, distance 1.8.

4 MR. BRISSET: That is what you were given.

5 Q. You have reached Longue Pointe.

6 A. I just spoke about the course being  
7 shaped from Cap Maillard to Longue Pointe. On the way  
8 up there we have another aid to navigation, an unwatched  
9 light at Sault aux Cochon. By going up to Longue Pointe  
10 we are going to the even narrower part of the northern  
11 channel, and also we are coming into the first dredged  
12 part of the channel, that is the part that has to be  
13 dredged, I mean, to a minimum depth by commercial force,  
14 mechanical means.

15 Q. You referred to variation in that  
16 area. Would you elaborate on this as to affects on  
17 magnetic compass or anything of that sort in that area?

18 A. Well, I suppose -- it has been  
19 mentioned that magnetic disturbances might be had along  
20 the high cliffs and mountains covering this last 20  
21 miles we have mentioned. If you have a ship only so  
22 equipped you would have to keep an eye on it and make  
23 sure your compass is not being disturbed by this  
24 local magnetic disturbance that has been referred to.

25 Q. Have you experienced this magnetic  
26 disturbance yourself?

27 A. I haven't personally experienced it.

28 Q. You refer to Cap Grisbanne: has the  
29 depth changed in that area since the beginning of this  
30 season?







1 English

2 A. Yes, I would best say it has been  
3 changing all along. As I just mentioned at that locality  
4 we are entering the real narrow part of the channel  
5 that has to be kept dredged and soundings taken there  
6 yearly. This spring they revealed three shoals given  
7 as, after extensive soundings, as being at 25 feet of  
8 water over them at minimum low waters. This then  
9 would aggravate the problem of getting large vessels  
10 through that area.

11 Q. Has there been some dredging in that  
12 area this summer?

13 A. There was, and it was completed very  
14 recently.

15 Q. For how long was this dredging in  
16 that particular area?

17 A. Well, I would say upwards of a month.

18 Q. This is near Longue Pointe, what you  
19 refer to as Longue Pointe?

20 A. It was about exactly a few hundred  
21 feet -- I would say below Buoy 108, and according to  
22 what has been told us, the three banks or the three  
23 shoals were going right across the channel, sort of  
24 there.

25 Q. Do you know who asked for soundings  
26 in that area?

27 A. Well, repeatedly, I believe over the  
28 last couple of years, I think the Pilotage Committee did  
29 refer, had spoken -- I can't say that we had it in  
30 writing. I remember speaking to various officers of the





1 English

2 Department of Transport and the Ship Channel Agency had  
3 reported it. We thought the thing was shoaling, and  
4 please give us these soundings. As a matter of fact  
5 not  
6 I am/sure that something is in writing about it, but  
7 I know something has been done verbally. I was there  
8 once myself with the D.C.T. officials when we spoke about  
9 it.

10 Q. I am looking for the particular  
11 correspondence and I will produce it when it is found.  
12  
13  
14  
15 -  
16  
17  
18  
19  
20 -  
21  
22  
23  
24  
25  
26  
27 -  
28  
29  
30





1 /MR/RPS

English

2 Do you have any further comments to make.

3 up to Cape Gribanne ?

4 A. I would like to add one thing again  
5 concerning currents and that is that in this area,  
6 especially on the flood tide and especially after a fair  
7 northeasterly wind, there is a definite set  
8 to the southward between Buoy 108 and 109. As your  
9 lordship can see it's a fairly narrow channel to negot-  
10 iate right then and with a swift set right nearly  
11 across to the channel, this asks for particular attention  
12 on the part of pilots especially with large and deep  
13 draught vessels.

14 Q. You may proceed.

15 A. From there on we proceed about 2-1/2  
16 miles up to and past Cap Brulé and get the ship to  
17 come on the leading lights of Cap Brulé to indicate the  
18 entrance to the north traverse.

19 Q. Could you mark the chart, on that  
20 map 1207, Exhibit 440, and from then on switch to chart  
21 1208, Exhibit 441.

22 A. From Cap Brulé we then again  
23 use the leading lights of Cap Brulé. Of course the  
24 mean or average course would be 207. There again of  
25 course that is usually corrected with leeway according  
26 to the prevailing tide and the prevailing wind. On  
27 that course we will meet with two buoys, 108-1/2 and  
28 110 which is not indicated on my chart.

29 Q. In connection with the soundings  
30 and the dredging which has taken place near Cap Gribanne







1 English

2 near Buoy 108 and 109, I am showing you a set of letters.

3 The first one is dated July 27th 1961 from Mr. Wilfred

4 Menard to Mr. Leo McClaren, District Engineer, Public

5 Works. I am showing you a letter of May 22nd 1963 from

6 Mr. Wilfred Menard to Captain Catinus, Regional Super-

7 intendent of Pilots, relating also to problems around

8 Buoy 109B and the answer by Captain Catinus to Mr. Wilfred

9 Menard dated May 27th 1963 and a copy of a notice to pilots

10 dated May 28th 1963 signed -- well it's a typewritten

11 signature by E. Morin, CQS Beauport and it reads:

12 "A sand ridge extending downward and across the  
13 channel has been located 800 feet below Red Gaz  
14 Buoy 108B. Available water in this area is 25  
15 feet lowest normal tide."

16 Could you tell me whether you have seen copies of that  
17 correspondence and this notice to pilots?

18 A. I have, sir.

19 Q. Could I produce these documents in a  
20 bundle as Exhibit 664?

21 ---EXHIBIT NO. 664

Correspondence in connection  
with soundings around Buoys  
108, and 109B, 1961 and 1963.

22 Q. Would you mind proceeding with your  
23 description?

24 A. We have arrived now at the entrance of  
25 the north traverse which extends for a distance of  
26 nine miles and which is a dredged channel, maintained  
27 by the ship channel authorities with the minimum draught  
28 at low water ordinary spring of 30 feet.

29 This is a buoy channel and in addition to  
30 buoys we have a range light at Banc Brule there and up  
in





English

St. Michel we have leadings lights in both directions.  
The centre line of the channel would be at 033 and 213.

On the way up there particular attention must be kept especially in the first part of the north traverse. I mean especially in the West Hare Island, by traverse spit and all the various sandbanks and mud banks that are being formed which are very close to the channel.

This is a narrow channel, just over one thousand feet in width. On the way up, besides the various buoys marking the channel we also have a light on the wharf at St. Francois Orleans Island.

Q. Did you indicate the course in that area? Would you mind doing it?

(Witness indicates.)

Would you please proceed?

A. After having negotiated the channel we fall again into, naturally, deeper water and we will usually proceed on that same course using the St. Charles range lights and come around the course usually by St. Jean Orleans Island and from there on shape the course up to St. Laurent Orleans Island about five and a half miles distant.

Q. Would you indicate the approximate course?

A. The approximate course there, once you have come on to the course would be something like coming up 233 and we spoke of the course being 053. This will take place up to St. Laurent Orleans Island and abeam







1 English

2 of each light we also have a black buoy, a black lit  
3 buoy to show the extent of Beaumont Reef.

4 From there we shape our course up to West  
5 Point, Orleans or what is also known as St. Petronelle  
6 wharf, which is the most western part of Orleans Island.

7 On the way we will pass Morin Buoy which  
8 shows or marks the Morin Reef there and shoal, and  
9 this is 5-1/2 miles distant. Again usually negotiated  
10 in two or three courses, depending on the tide, and,  
11 of course, the ship you have.

12 This takes us just to the entrance of  
13 Quebec Harbour proper.

14 Q. In this channel which you referred  
15 to along Orleans Island, what happens if you have a  
16 breakdown with a large ship? You have good anchorage  
17 in that area. What do you do?

18 A. Well in some parts there is, of course,  
19 fairly good anchorages. If you were -- of course, I  
20 mean in the dredging channel, I mean where it is very  
21 narrow especially in the lower part of the dredging  
22 channel, if you would have to anchor directly in mid-  
23 channel, about the only spot you would have space, of  
24 course, you would be quite a hinderance, especially  
25 with a large deep draught vessel but not every ship --  
26 if you have a ship with a draught of over 30 feet, you  
27 might be grounded at low water. This is in the upper  
28 part; you might be able to get to the side of the channel  
29 and take your ship away -- a bit out of the traffic.

30 Q. What do you refer to as the "upper





1 English

2 part"? What would that be, approximately?

3 A. Let us say from about half a mile  
4 below St. Francois going up to St. Jean to the last  
5 part of the dredging channel, the upper part of the  
6 dredging channel, just coming out of the dredging channel  
7 there would be a good anchorage just going southwards  
8 around West Hare , Madame Reef Buoy or to the entrance  
9 of the south channel; very good anchorage there in  
10 eight fathoms.

11 Q. I think you referred also to Beaumont  
12 Reef?

13 A. Yes.

14 Q. Would you state how far Beaumont  
15 Reef extends?

16 A. Well let us say from the bottom  
17 of Beaumont Bay the reef would extend for more than a  
18 mile, a good mile off the shore.

19 Q. And how wide, approximately, or  
20 precisely if you can state it is the channel at St.  
21 Laurent?

22 A. Navigational width there would be  
23 about six cables.

24 Q. At St. Laurent you have taken us,  
25 I believe, to the entrance of the Quebec Harbour?

26 A. That is right.

27 Q. Could you now go over to chart, I  
28 think, 1321, which is Exhibit 442 and there again give  
29 the Commission a description of navigation in Quebec  
30 Harbour and please chart your course approximately from







1 English

2 where you had left it on the previous chart?

3 A. Well take a ship which will go in  
4 the St. Charles River from West Point you can really  
5 say we could start on course. You are now in a fairly  
6 narrow channel, with a fairly swift current and it is  
7 just, you could say, one great big curve just from  
8 there coming in. I mean you are more or less constantly  
9 changing course, depending, of course, on the state  
10 of the tide you just sort of -- the pilot just changes  
11 his course and tries to manage to keep to the right  
12 side of the channel so ships can go by safely so there  
13 is no set course that could be set. We will have a  
14 few buoys. I mean we will have one on the south shore  
15 there of the entrance of the dry dock which is 7-1/2  
16 would be the first buoy we would meet coming in. The  
17 next buoys would be set, more or less abeam of one of  
18 the other Beauport Bank, one that is known as St.  
19 Joseph Bank passt the shipyards marking the extent  
20 of the bank there. Have another red buoy on the north  
21 side indicating the western end of Beauport Bank and at  
22 the same time the entrance to the dredged part of the  
23 St. Charles River Basin.

24 Q. Would the limits of the Harbour appear  
25 on that chart 1321?

26 A. The limits of the Harbour do appear --  
27 Well the beginning of the line, the limiting line does  
28 not appear. The line is usually taken as from  
29 Montmorency Falls going through West Point. Montmorency  
30 Falls is off this chart. Well this appears right on the







1 English

2 eastern part of the chart there.

3 Q. Would you underline it with a red  
4 pencil and would you do the same with the upper limit?  
5 Does it appear on the chart?

6 A. The upper limit does not appear on  
7 this chart, the upper limit being as we mentioned earlier  
8 a line drawn through Cap Rouge River to Cap à Basile  
9 and this is well above Quebec Bridge.

10 THE CHAIRMAN: Coincides with the limits  
11 of the District also?

12 THE WITNESS: That is right sir. That has  
13 already been shown on map 1333.

14 Q. I understand you are an experienced  
15 and very able pilot and you probably heard some  
16 evidence about the St. Charles River. You have seen  
17 the weather there is this afternoon. Would you yourself  
18 take a ship into the St. Charles River this afternoon  
19 with a rising tide?

20 A. I would not sir.

21 Q. You would not. Would you consider that  
22 any reasonably prudent pilot would so this afternoon?

23 A. Not today, not with the weather,  
24 especially with a northeasterly wind and flood tide  
25 is a very bad combination for the St. Charles River  
26 Basin.

27 Q. What about wharves 25 and 26?

28 A. Well this would again be the same.  
29 With this kind of weather?

30 Q. Yes. Today.





1 English

2 A. With the flood tide, no sir. In  
3 a strong northeasterly wind, no sir.

4 Q. Do you have any anchorages in the  
5 Harbour?

6 A. We have some defined anchorage, and  
7 of course, other places the ships could anchor in  
8 case of emergency or necessity. The defined anchorage  
9 starts just above Queen's wharf, extends to the lower  
10 part of Wolf's Cove wharf as general line of anchorages,  
11 into the south part of the channel.

12 Q. Would you indicate approximately  
13 in which area or region, let us say with a circle in  
14 blue the area where a pilot is replaced by a Montreal  
15 District pilot in Quebec Harbour?

16 A. Yes, I would say in the majority of  
17 cases the relief is being done anywhere from let us  
18 say abeam the Canada Steamship Lines or thereabouts to  
19 the upper part of Queen's Wharf which would be somewhere  
20 around here. (Indicating.) This would be just about  
21 the relief area.

22 Q. When a ship is coming up and is  
23 approaching Quebec Harbour at night, is there any  
24 particular difficulty in seeing the ships going down?

25 A. Yes sir. I think this is one of the  
26 things that we are very concerned about, is that  
27 extensively lit background because I mean in the  
28 Limoilou and Beauport region there the upbound vessel --  
29 this has happened to me personally many times -- that  
30 the navigation lights on a vessel downbound would be







1 English

2 completely lost in this sea of lights of various colours  
3 that you have there and that you only see the ship at  
4 the very last moment, and of course, being there on  
5 just an elaborate curve, more or less, all the time, you  
6 are more or less changing course all the time and  
7 already busy looking after your own vessel and you have  
8 to be really very, very careful.

9 This, I believe, is a very sensitive point  
10 there. You have to be extremely cautious about it at  
11 nighttime.

12 Q. I understand that you said you are  
13 busy with other things in that area. What in particular  
14 will keep you busy mostly in that area?

15 A. Well first of all there, I mean,  
16 you are coming into the shipyards; might be some ships  
17 moving around that vicinity of the shipyard. Right  
18 after that there might be ships coming out of the  
19 St. Charles River Basin. Right after that again you  
20 must be careful for any traffic coming out of the various  
21 wet and dry dock basin there.. You have ships and the  
22 general experience might be any ships moving around  
23 say from the anchorage going to various berths, coming  
24 down to move into the dry dock; get into shipping in  
25 the St. Charles River Basin wharf or going into the  
26 Basin and generally small traffic.

27 Q. If I understand you correctly, there  
28 is the Beauport Bank. Where would that be in that  
29 area?

30 A. The Beauport Bank extends, you can





1 English

2 see, from the St. Charles River going right through, I  
3 mean all the way down the north side there, down to  
4 Beauport -- this would be more or less it (indicating).  
5 This is all Beauport Bank.

6 COMMISSIONER SMITH: Up to the bridge?  
7 Right down to Orleans Island Bridge?

8 THE WITNESS: Yes sir.

9 Q. And the shoal at Pointe Levis on  
10 the other side would also advance in the river, I  
11 understand?

12 A. Yes, it does.

13 Q. And restricted channel?

14 A. Yes, as I mentioned previously there,  
15 the extent of it is marked by both buoys here, 87-1/2  
16 for its lower part and 89 at its upper reaches then.

17 Q. What will most ships do when they are  
18 coming up the river? Are most of them going on to  
19 Three Rivers and Montreal straight or do they stop at  
20 the Quebec Harbour?

21 A. I would say that the majority of  
22 vessels are in transit. That is, they are bound to  
23 Ports up from Quebec but several vessels I mean do  
24 stop in Quebec either at the anchorage or are coming  
25 in to make a fast tie-up to the various wharves with  
26 cargo.

27 Q. In which area will most ships anchor  
28 around Quebec Harbour?

29 A. The defined anchorage in Quebec Harbour  
30 is, as I mentioned previously, just above Queen's Wharf.







1 English

2 There is an anchorage sign and light there<sup>for an antenna</sup>/on the Queen's  
3 Wharf and it goes up to the lower part of Wolf's Cove,  
4 to the south side of the channel and I would just  
5 about indicate it with this -- this would just about be  
6 the anchorage region (indicating).

7 Q. Indicating with a blue pencil and  
8 an anchor on the map.

9 In Quebec Harbour would most ships which  
10 stop at Quebec, would they stop along the wharves which  
11 are along the river or would they go into St. Charles  
12 River?

13 A. Well I would say that I don't know.  
14 I suppose the Port Traffic Manager would be better able  
15 to give that evidence. I would say it is pretty much  
16 50/50, from the ships I have handled anyway.

17 Q. From your own experience?

18 A. Yes.

19 Q. We will discuss later on the particular  
20 problems involved in winter navigation. Would you now take  
21 a ship  
22 /either when you would be changing pilots with the  
23 Montreal District pilot, or again another ship from the  
24 St. Charles River, for instance, and take her down the  
25 river by the south channel. Would you mind giving us  
26 the description on the way down and there again describe  
27 the more important difficulties which you might meet?

28 THE CHAIRMAN: Prior to that, you might  
29 indicate what has happened to the north side of the  
30 Orleans Island, of the channel there?

THE WITNESS: The channel on the north side







1 English

2 of Orleans Island is, I would say, as far as the pilotage  
3 of vessels is concerned a theoretical channel. It's a  
4 channel where they are limited to draught of 11 feet.  
5 From personal knowledge it's 11 feet which is mostly in  
6 tall grass anyway so it's only used by a very few  
7 local pulpwood carrying schooners and I believe by some  
8 excursion vessels that go down to Ste. Anne de Beaupre.

9 To all purposes, as far as pilotage is  
10 concerned, I have never, as a pilot, taken a vessel  
11 through there. I have never been asked to do so and  
12 I believe that in the last many years I don't believe  
13 any pilots have been asked to take a vessel, commercial  
14 vessel down the north side of Orleans Island.

15 Q. Not even for pilgrimages to Ste.  
16 Anne de Beaupre?

17 A. No. These are done by the excursion  
18 boats, very small vessel drawing a maximum of six feet.

19 Q. Would you mind going back to the  
20 Quebec Harbour map please. Could you give a further  
21 explanation of the difficulties in the Harbour in terms  
22 of cables, currents, and the width of the river and all  
23 that?

24 A. Well the width of the river in  
25 Quebec Harbour as such would vary greatly. If we take  
26 it between the two maximum extremities, I think it  
27 would be safe to say that it would vary between quarter  
28 of a mile to half a mile in width. So it is fairly  
29 narrow. Currents can be quite strong, especially in  
30 the spring of the year on a spring tide, northeasterly





English

DD3 wind, especially a fairly prolonged northeasterly wind  
might also add to some of our troubles, especially  
manoeuvring vessels, in a light ballast condition. Many  
submarine cables have been laid, especially in the,  
I would say right fronting down there along the various  
wharves which front the Citadelle and these cables,  
of course, go across to Levis there by submarine,  
Bell Telephone and electrical cables, so there is a  
private anchorage.

I mean from Queen's Wharf that you can see  
right down to Pointe à Carcy and I think for good measure  
pilots  
/ would use the breakwater of St. Charles River.

Q. I understand, at least, for the  
time being you have a ferry service between Quebec and  
Levis?

A. That is right sir. We have a ferry  
service, a vessel operating straight across from Quebec  
wharf to there and I must say, in all gratitude to them,  
they are just about as good seamen as we could meet,  
as far as that goes.

Q. Would you elaborate on the difficulties  
you may meet in changing pilots, let us say a day like  
today, which is a pretty bad day it seems.

A. Yes. As a matter of fact unless I  
am mistaken today even the pilot launches cannot be  
run to transfer pilots. Have had to resort to tugs.  
This would happen with a strong northeasterly and let  
us say on the full of the ebb tide have quite a cross-  
sea running in the Quebec Harbour which would make it







1 English

2 a difficult task for the pilot boats, and everything,  
3 so we have to resort a few times a year, in times like  
4 today to larger vessels, or to local Harbour tugs.  
5 This is moreso especially for pilots, of course, with  
6 a flood tide with a ship would have to -- the pilot  
7 taking a ship down before getting relief would have to  
8 be very careful and get well to the south side of the  
9 river because by having to slow down his ship to a bare  
10 minimum speed, during the transfer, the ship being  
11 blown very quickly with the average northeast to the  
12 north side, there have been cases by the end of the  
13 transfer the ships were dangerously close to the north  
14 side of the Harbour.

15 Q. I notice in the brief submitted  
16 by the Federation of the St. Lawrence River Pilots to  
17 the Royal Commission on Pilotage, page 35, paragraph 80,  
18 mention is made of the fact that navigation would be  
19 made particularly difficult because of rapid, fast  
20 currents, possibility of changing currents in the Harbour.  
21 Would that be the case and would that be your experience?

22 A. Well currents in the Harbour -- even  
23 for the experienced pilots have to be well-guarded against.  
24 The Harbour authorities are building a new wharf, or  
25 rebuilding old wharves and even this, of course, might  
26 affect the current that we know of, such as rebuilding  
27 a wharf in a different way or in a different place, might  
28 affect the current in that vicinity. This is nearly the  
29 case now with 25 and 26, with the rebuilding of 26.  
30 Besides, in many places you have counter-currents when





1 English

2 you come very close to the land itself. This is  
3 experienced, let us say, in the upper portion of  
4 Wolfe's Cove even with the ebb tide, when you come  
5 fairly close to the sharp angle. There is much diff-  
6 iculty, have to be guarded against.

7 Q. What about tidal currents?

8 A. There again, tidal currents are  
9 not adjusted to the rise and fall of the water. At  
10 various places you can even have a beginning of the  
11 ebb tide as much as an hour and a half before the  
12 high water. As a matter of fact this would affect a  
13 certain width -- if you have a ship that is half in  
14 one portion and half in another the consequences might  
15 be quite dangerous.

16 Q. I notice that on chart 1321 you have  
17 indicated an anchorage which would be above the place  
18 where you change pilots. Would that mean, in effect,  
19 that you would not have in your particular part of Quebec  
20 Harbour anchored vessels in your way?

21 -  
22  
23  
24  
25  
26  
27  
28  
29 -  
30







/RPS 1 English

2 Do you understand my question?

3 A. Would you repeat it?

4 Q. I notice that you have indicated  
5 anchorage above the place where you change pilots age.  
6 Does that mean that the Quebec District pilots coming  
7 up the river or into the Harbour doesn't meet any  
8 hinderance from anchored vessels in Quebec Harbour  
9 itself?

10 A. No, sir. If we are coming up, most  
11 of the vessels will be anchored above where we transfer  
12 pilots, but it would be a poor pilot that wouldn't  
13 take into account a vessel, a vessel moored and have  
14 to get more off to one side to give the pilot that is  
15 leaving a chance to get out. If you go straight for  
16 the ships at anchor the poor fellow that relieves you  
17 might not think you were a very fine gentleman.

18 Q. You have, in fact, to take these  
19 anchored vessels into account in your manoeuvring when  
20 you are coming up river?

21 A. Of course, any good seaman wouldn't  
22 be putting the next man in a bad or dangerous position.

23 Q. Do you have anchored vessels sometimes  
24 below in anchorage or is it prohibited all the way down  
25 below?

26 A. It is a prohibited point around what  
27 we call St. Joseph buoy, that is No. 89 on the chart.  
28 It has happened, I believe, in emergency cases that pilots  
29 have had to drop anchor in that prohibited part. It is  
30 not generally done, only on emergency occasions. I have







1 English

2 had on occasion, I think a few days ago to have to  
3 anchor one because of steering gear failure just off  
4 Beauport Bank. We also occasionally, several times a  
5 year anchor ships just outside the eastern limit, which  
6 is known as the explosive anchorage, when we have a ship  
7 that is loaded with explosives or inflammable cargoes.  
8 This is just below the line marked on this chart. There  
9 is also the odd time, if we have only to wait a short  
10 period, a vessel going into dry dock, we might anchor  
11 in the close vicinity of 87-1/2.

12 Q. This would be the main areas where  
13 there might be anchored vessels?

14 A. Yes.

15 Q. Unless for emergency reasons you  
16 would have to anchor almost anywhere?

17 A. That is correct.

18 THE CHAIRMAN: When ships are anchored in  
19 Quebec in the anchorage area is the anchorage area just  
20 in the lane of the ships?

21 THE WITNESS: I don't believe there is any  
22 specific rules or regulations. As a general rule pilots  
23 will use the southern part of the channel to anchor,  
24 and keep the northern part of the channel clear. This  
25 is a rule of practice among ourselves.

26 Q.. You refer to dry docks, would these  
27 be the dry docks at Lauzon?

28 A. Yes, those are the only two in  
29 Quebec, the biggest Champlain and Lorne a few cables up  
30 from it.





1 English

2 Q. These Lorne and Champlain dry docks,  
3 have you ever taken any ship there?

4 A. Taken several to both places.

5 Q. You have taken several ships to both  
6 places. Did you experience any particular difficulty  
7 in taking ships into Lorne and Champlain dry docks?

8 A. Well, I have never -- yes, I should  
9 say yes now because this happened to me, on the master's  
10 demand -- well, I shouldn't say on the master's demand,  
11 on the owner's demand that we should try to make it,  
12 in the case of urgency some weeks back. Usually on  
13 other times I never experienced any trouble there, I  
14 mean forward trouble because I just time the thing to  
15 make it on the best time to make the approach. I would  
16 point out here you can't go to these wharves at dry  
17 dock at any time of the tide or at any time. You have  
18 to wait for the correct tidal and wind conditions.  
19 All this will have to do with the type of vessel, draught  
20 of the vessel et cetera. There are cases that have to  
21 be -- of course I should also mention here in many  
22 instances when you are taking a ship to one of the dry  
23 docks or dry dock entrances, I mean on several occasions  
24 those ships are in damaged condition, so you don't have  
25 a regular ship to control, sometimes. It happened to  
26 me once that I had to take a ship there which had  
27 absolutely no power going astern. The engines were  
28 broken. You have to make these special types of  
29 manoeuvres, special type of work.

30 Q. To leave the dry docks, what about







1 English

2 Louise Basin, the Princess Louise Basin? Is there any  
3 particular dangers in that vicinity if you want to take  
4 a ship in the Basin, for instance?

5 A. I wouldn't say there is danger, but  
6 there again this can only be done at a certain time of  
7 the tide. The Louise Basin is closed by gate, just  
8 like a lock, so you can only go in at a certain period  
9 of tide. It depends on the type of tide you have at  
10 Quebec. It usually varies between two hours and one  
11 and a half of high to enter.

12 THE CHAIRMAN: You mean the inner one?

13 THE WITNESS: Inner.

14 THE CHAIRMAN: The tidal one?

15 THE WITNESS: Yes. Then, of course, you  
16 have to manage the entrance which is only 66 feet wide  
17 and is generally reduced to 63 feet wide by the time  
18 they have the fenders fitted and everything else. You  
19 have to negotiate this just like you negotiate a lock.

20 Q.. You mentioned 63 feet?

21 A. 66, and usually down to 63 by the  
22 time they fit the fenders. I might be off a couple of  
23 feet on the other side by the entrance.

24 Q. What kind of ships can go into  
25 Prince Louise Basin? How wide would the widest one be?

26 A. Well, I don't know which are the  
27 widest that have ever been there. I will say that for  
28 myself that I have taken ships there well above the  
29 size of LIBERTY or CANADIAN PARK types. I docked a  
30 jumbo sized LIBERTY there loaded to 25-1/2 feet.





1 English

2 Q. How much leeway would that give you  
3 on each side when you get a ship in?

4 A. The jumbo sized LIBERTY must be  
5 66 or 68 feet wide, so it gives you a couple of feet  
6 on each side.

7 Q. Have you ever taken a ship to the  
8 Irving wharf?

9 A. I have, sir.

10 Q. What is your experience about that  
11 wharf?

12 THE CHAIRMAN: Is it going to be very long?

13 MR. LALONDE: I have finished. It all  
14 depends on the witness.

15 THE WITNESS: I suppose some people would  
16 call it a wharf.

17 Q. Pardon?

18 A. I suppose some people would call it  
19 a wharf. It is shown on this chart 1321. We could  
20 show the placing on chart 1333.

21 Q. Which is the exhibit?

22 A. It is already marked with a small  
23 red arrow on the chart.

24 Q. It is Exhibit 443. It is already  
25 indicated with a red mark.

26 A. Well, Irving Oil wharf is situated  
27 well past the main commercial part of Quebec Harbour.  
28 It is well on the way to the Quebec Bridge. It is  
29 about a mile below the Bridge, just about. That is  
30 right below the Bridge on the Quebec side, on the north





1 English

2 of the river. It consists more or less of a rebuilt  
3 old jetty to the head of which Mr. Irving has fitted  
4 a floating raft, and on which we tie up various types  
EE2 5 and sizes of vessels, using tow trucks from the shore,  
6 small boats and tugs, and sometimes even large trucks  
7 ashore to help us along.

8 Q. Would you say that this particular  
9 spot is one, difficult to negotiate and secondly,  
10 dangerous as it is?

11 A. Well, in manoeuvring there is always  
12 a certain amount of danger involved, and sometimes  
13 use of precaution. It is just below the Quebec Bridge  
14 which is the narrowest part of the Harbour. Usually  
15 pilots going there are very careful in choice of time  
16 and wind and tide and everything else. I would say  
17 actual damage arises from the arrangement of the  
18 wharf more than anything else. I don't think it is  
19 suited to the vessels that are going there. To the  
20 small vessels it is large enough.

21 Q. How large are the vessels going  
22 there?

23 A. There again I couldn't tell you,  
24 sir. I have taken ships such as the IRVING GLEN which  
25 are certainly well above 10,000 ton.

26 Q. How strong a current is over there?

27 A. There again I would say on ebb tide  
28 you could have currents rather strong, to four knots  
29 easily, and pretty close to it on the flood.

30 Q. Are there some lights on the pier in







1 English

2 that area?

3 A. Well, there are no lights. When we  
4 are there, of course, there are so many oil trucks and  
5 cars, shore cars of all kinds, that you find it easy to  
6 find the place by the amount of vehicular traffic  
7 there.

8 Q. How large is the raft you referred to  
9 along which you would negotiate?

10 A. It fits fairly well the head of the  
11 wharf. It would be -- I don't know, maybe something  
12 like 80 feet wide, I suppose, by 30 feet, 80 by 30,  
13 somewhere -- I couldn't say, just approximately. It is  
14 very small in relation to the large vessels anyway.

15 MR. LALONDE: My lord, I have almost taken  
16 you on a trip down the river. I see we have been  
17 stopped in Quebec Harbour for a little bit longer than  
18 I thought. You are invited for a trip down tomorrow,  
19 I suppose.

20 THE CHAIRMAN: That is what we will do.

21 For all of those we have to leave tomorrow  
22 in order to get back to Montreal or elsewhere we will  
23 adjourn tomorrow at 4:30 so you may have time to catch  
24 you 6:10 airplane.

25  
26 ---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.,

27 FRIDAY, THE 13th DAY OF

28 SEPTEMBER, 1963.

29  
30 \* \* \*













BINDING SECT.

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